



Security Council

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Letter dated 26 November 2008 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council

On behalf of the President of the Community of Portuguese-speaking Countries (CPLP), I should be grateful if you would circulate the CPLP Declaration on Guinea-Bissau, enclosed herewith (see annex), as an official document of the Security Council.

The referred Declaration was approved by the Permanent Consultation Committee of CPLP, in Lisbon, on 25 November 2008.

(Signed) João Salgueiro
Ambassador

Permanent Representative of Portugal to the United Nations



Annex to the letter dated 26 November 2008 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council

CPLP Declaration on Guinea-Bissau

1. CPLP condemns the overnight attack against the residence of the President of the Republic of Guinea-Bissau on 23 November.
2. CPLP manifests its support to the authorities of Guinea-Bissau and its solidarity towards the Guinean people, who have overwhelmingly and orderly expressed their fundamental right to elect their representatives on 16 November.
3. With the formation of a new democratic government under way, CPLP underlines the urgent need to use all channels of dialogue, with a view to ensure political stability and the normal functioning of institutions, as a precondition for the mobilization of the international community in support of Guinea-Bissau's development process.
4. CPLP encourages the local formation of the International Contact Group for Guinea-Bissau to convene as soon as possible, with the objective of assessing the views of the various national and international actors in Guinea-Bissau.
5. CPLP will undertake all efforts to mobilize Guinea-Bissau's international partners, either through the International Contact Group, or through the bilateral action of its member States, as a means to reinforce the country's international standing.
6. Therefore, and after consulting with the Permanent Consultation Committee, the Portuguese Presidency of CPLP proposed to the other member States the adoption of a CPLP programme for the stability of Guinea-Bissau, based on three main pillars:
 - (a) A decisive and effective fight against drug trafficking;
 - (b) The deepening of the security sector reform;
 - (c) The mobilization of international resources for the development of Guinea-Bissau.
7. In this context, CPLP will organize a political mission to Bissau, as soon as the new Government of Guinea-Bissau is formed, for consultations on the implementation of this programme. CPLP will also work with major international partners of Guinea-Bissau in the preparation of an International Donors Conference to mobilize the necessary financial resources to support ongoing reform programmes of modernization and development.
8. CPLP will continue to pursue its actions in close coordination with the relevant international and regional organizations — particularly the United Nations, the European Union and ECOWAS — to ensure the complementarity of resources and initiatives.

Lisbon, 25 November 2008

**General Assembly
Security Council**

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**General Assembly
Sixty-third session
Agenda item 21
Question of Cyprus**

**Security Council
Sixty-third year**

**Letter dated 26 November 2008 from the Permanent
Representative of Turkey to the United Nations addressed
to the Secretary-General**

I have the honour to transmit herewith a letter dated 26 November 2008, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex), forwarding a letter from Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) Baki İlkin
Ambassador
Permanent Representative



Annex to the letter dated 26 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 26 November 2008 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) M. Kemal Gökçeri
Representative
Turkish Republic of Northern Cyprus

Enclosure

I have the honour to refer to the letter of the Greek Cypriot leader, Mr. Demetris Christofias, pertaining to the Greek Cypriot Administration's unilateral delimitation of maritime jurisdiction areas as well as the exploration of oil and natural gas in the Eastern Mediterranean (A/63/554-S/2008/719 dated 20 November 2008) and to bring to your kind attention the views of the Turkish Cypriot side regarding the matter.

Before commenting on the content of the letter, I would like to reiterate, at the outset, that the Greek Cypriot side's unilateral activities regarding the delimitation of maritime jurisdiction areas in the Eastern Mediterranean before a comprehensive settlement prejudice and violate the fundamental rights and interests of the Turkish Cypriot people who were the equal co-founding partner in the 1960 Republic of Cyprus and thus have equal rights and say over the natural resources of the island and the sea areas of the Island of Cyprus. It should be recalled that the sensitive issue of delimitation of maritime jurisdiction areas for Cyprus was an important aspect of the negotiation process under United Nations auspices in 2004. The United Nations comprehensive settlement plan addressed this subject with the understanding that it is to be determined after a comprehensive political settlement in Cyprus. Moreover, it must also be noted that the Greek Cypriot Administration, purporting to act as if it is the legitimate Government of the Republic of Cyprus, represents exclusively the Greek Cypriot people and does not have any authority to negotiate and conclude agreements or conduct exploratory surveys on behalf of Cyprus as a whole. Furthermore, it must also be kept in mind that Turkey, as a neighbouring country, also has legitimate and legal rights and interests in the Eastern Mediterranean and thus this issue is not limited only to Cyprus. Parts of the maritime areas declared as the exclusive economic zone of the so-called Republic of Cyprus also concern Turkey's rights and interests; hence the dispute over the current seismic research activity.

In the above-mentioned letter, Mr. Christofias makes false allegations and refers to a so-called "serious incident which occurred ... off the southern territorial waters of Cyprus, when vessels legitimately conducting exploratory surveys within the exclusive economic zone of Cyprus ..., received threats by a Turkish warship and were forced to withdraw within the territorial waters of Cyprus". This allegation is fraught with slander. According to the information that I received from Turkish authorities, on the morning of 13 November 2008, a Turkish naval vessel, passing by the south-western coast of the Island, spotted two vessels chartered by a Norwegian-American company (Petroleum Geo Services-PGS) conducting seismic research activities on behalf of the Greek Cypriot Administration, and warned them against entering the Turkish maritime jurisdiction area. In parallel, the United States and Norwegian Ambassadors in Ankara were asked by the Turkish authorities to kindly intervene to resolve the issue diplomatically, while the Turkish naval vessels continuously asked the research vessels to leave the Turkish maritime jurisdiction area, but to no avail. The said vessels remained in the area for about seven hours without the permission of the Turkish authorities. As the research ships later continued their activities in the sea area to the south-south-west of the Island, on 15 November 2008, I felt obliged to call Mr. Christofias to ask for the termination of the seismic work altogether in order to prevent any escalation. I repeated this request on other occasions as well. Unfortunately, Mr. Christofias displayed a very

intransigent attitude, expressing the Greek Cypriot side's determination to continue with the research activity. A development which further aggravates the matter as from 21 November has been the addition of a Panama-flagged vessel to the ongoing seismic research activities.

It should be recalled that the attempts by the Greek Cypriot Administration to create a fait accompli in the Eastern Mediterranean through unilateral acts such as conducting exploratory surveys or seismic research activities for oil and gas exploration are nothing new, as has already been brought to your kind attention in my letter of 2 February 2007, which was circulated as a United Nations document (A/61/727-S/2007/54). As is known, the Greek Cypriot Administration signed a maritime delimitation agreement with Egypt as early as 2003 and with Lebanon in 2007, to which both Turkey and the Turkish Cypriot side registered their objections with the United Nations, stating that their legitimate rights in the Eastern Mediterranean are being violated. The Turkish side also objected to the Greek Cypriot side's attempt to adopt a law identifying 13 oil exploration fields around the island and to call for an international tender for oil exploration in the so-called exclusive economic zone of Cyprus.

Furthermore, these activities on the part of the Greek Cypriot side are in contravention of international law. It is an established rule that maritime delimitation in a semi-enclosed area like the Eastern Mediterranean can only be effected by agreement, with the consent of all parties concerned and by respecting their mutual rights. Since there is no such agreement over the exclusive economic zone in the said region, the Greek Cypriot Administration has no right whatsoever to initiate any activity there, including "exploratory surveys".

I would like to stress that at a time when full-fledged negotiations are ongoing regarding the core issues of a comprehensive settlement, which certainly include the issue of the maritime jurisdiction areas of the Island of Cyprus, the Greek Cypriot agitation for bringing the issue to your attention is part and parcel of chronic attempts by the Greek Cypriot Administration to settle the issue away from the negotiation table and to defame Turkey.

I would like to reiterate, once again, that despite the negative stance by the Greek Cypriot Administration the Turkish Cypriot side will continue to take part in the full-fledged negotiations in good faith and do its utmost to reach a comprehensive settlement on the basis of the United Nations-established parameters and body of work.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) Mehmet Ali Talat
President

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Security Council
Sixty-third year

**Letter dated 26 November 2008 from the Permanent
Representative of Cyprus to the United Nations addressed to
the Secretary-General**

Further to my letter dated 14 November 2008 (A/63/554-S/2008/719), I have the honour to transmit a second letter addressed to you by the President of the Republic of Cyprus, Demetris Christofias, dated 25 November 2008 (see annex).

Following the serious incident against which President Christofias protested, through his letter of 14 November 2008, and despite bringing this incident to your attention and that of the Security Council, as well as of the Division for Ocean Affairs and the Law of the Sea, the harassment of vessels by Turkish warships within the exclusive economic zone of the Republic of Cyprus has continued unabated, in a systematic and persistent manner, in complete disregard of Cyprus' sovereign rights.

I should be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) Minas Hadjimichael



Annex to the letter dated 26 November 2008 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Subsequent to my letter of 14 November 2008, at least three serious incidents took place involving the harassment of research vessels by Turkish warships in the exclusive economic zone (EEZ) of the Republic of Cyprus. I find myself in the unpleasant position of expressing my dismay over the continuation of such aggressive actions.

On 19 November, two vessels, *Harrier Explorer* and *Marja*, were performing oceanographic work within the EEZ south of the coast of Cyprus. After being harassed by the Turkish corvette *Bandirma* they were obliged to change location. On 21 November, two Turkish warships harassed the cargo ship *Aquarius G*, which is involved in the research, by repeatedly blocking its course until it was forced to return to Cypriot territorial waters. Again, on 24 November, the Turkish frigate *Gemlik* approached *Harrier Explorer* and *Aquarius G* and repeated the harassment by blocking the exploratory vessels' route, forcing them into dangerous manoeuvres. Despite several attempts by the captain of *Harrier Explorer* to contact the Turkish captain over the radio, there was no response. Furthermore, the Turkish naval force is constantly stationed within a short distance from the research vessels observing their actions and movements.

The continuation of these incidents, I am sad to observe, unavoidably impacts negatively on our efforts to reach a negotiated solution to the Cyprus problem. On my part, I am doing everything in my power to protect the process of negotiations and to bring it to a positive conclusion. It is important, at the same time, that the United Nations and the international community support these efforts through effective solidarity.

(Signed) Demetris Christofias
President of the Republic of Cyprus

**Security Council**

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**Letter dated 26 November 2008 from the Secretary-General
addressed to the President of the Security Council**

I have the honour to refer to resolution 1841 (2008) concerning the Sudan, adopted by the Security Council on 15 October 2008. The Council decided in paragraph 1 of the resolution to extend until 15 October 2009 the mandate of the Panel of Experts originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006) and 1779 (2007), and requested me to take the necessary administrative measures.

Accordingly, I wish to inform you that I have appointed the following five experts to serve on the Panel of Experts until 15 October 2009:

Abdelaziz Abdelaziz (United States of America)
Awni Al-Momani (Jordan)
Enrico Carisch (Switzerland)
Bernard Stuart Saunders (Canada)
Kuldip Sharma (India)

I have also designated Mr. Carisch to serve as Coordinator of the Panel of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) **Ban Ki-moon**





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I. Introduction

2. As at 31 October, the strength of the military component stood at 858, including all ranks, and the strength of the police component stood at 69 (see annex).

II. Good-offices mission and other developments

4. On 13 June, the Security Council adopted resolution 1818 (2008) extending the mandate of UNFICYP and urging the parties to build on the momentum they had created. The resolution also called on the two sides to work to ensure that full-fledged negotiations could begin expeditiously and smoothly, in line with the agreement of 21 March and the joint statement of 23 May (see annexes II and III to S/2008/353). The Council also welcomed my intention to appoint a Special Adviser at the appropriate time.

5. In mid-June, I dispatched the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, to Cyprus for the second time in 2008. The objective of his trip was to reaffirm my strong commitment to supporting a renewed negotiation process.



assess the situation on the ground and determine how best the United Nations could help the parties move the process forward. During the course of his visit, Mr. Pascoe met twice with Mr. Christofias and Mr. Talat, who confirmed their commitment to reaching a comprehensive settlement under the auspices of my good offices and their willingness to engage fully and in good faith with their counterparts to achieve this goal.

6. At their meeting on 1 July, the leaders issued a joint statement stating that they had discussed the issues of single sovereignty and citizenship. They also agreed to discuss the details of their implementation during the full-fledged negotiations, and undertook a first review of the work of the working groups and technical committees.

7. On 25 July, the leaders undertook a final review of the progress made by the working groups and technical committees, which had held more than 270 meetings, and announced that full-fledged negotiations under the auspices of my good offices would be formally launched on 3 September. The aim of the negotiations would be to find a mutually acceptable solution to the Cyprus problem that would safeguard the fundamental and legitimate rights and interests of all Cypriots. Any agreed solution would be put to separate, simultaneous referendums.

8. At the same meeting, the leaders asked their respective representatives, George Iacovou (Greek Cypriot) and Ozdil Nami (Turkish Cypriot), to consider opening Limnitis/Yeşilirmak and other crossing points and also announced 15 confidence-building measures in the areas of cultural heritage, crisis management, crime prevention and in particular the environment, which emanated from the technical committees, aimed at easing the daily life of Cypriots across the entire island. These followed an initial six measures announced by the leaders' representatives on 20 June in the areas of cultural heritage, environment, health and road safety.

9. On 10 July, in a letter to the President of the Security Council (S/2008/456), I announced my intention to appoint Alexander Downer as my Special Adviser on Cyprus as from 14 July 2008. In a reply (S/2008/457) dated 14 July, the President of the Security Council informed me that the Council had taken note of my decision. In their joint statement of 25 July, Mr. Christofias and Mr. Talat publicly welcomed the appointment of my Special Adviser, whose mandate is to assist the parties in the conduct of full-fledged negotiations aimed at reaching a comprehensive settlement.

10. In mid-July, on the margins of the Paris Summit for the Mediterranean and the celebrations marking the sixtieth anniversary of United Nations peacekeeping, I met with the Prime Minister of Turkey, Recep Tayyip Erdogan. I also met with Mr. Christofias and, two days later in Berlin, with Mr. Talat. Prime Minister Erdogan stressed the support of Turkey for the direct talks, and both Cypriot leaders assured me of their commitment to reaching a comprehensive settlement. I, in turn, commended them for the decisive steps they had taken since 21 March. Late in July I also met the Minister for Foreign Affairs of Turkey, Ali Babacan, in New York. He, too, reaffirmed the support of Turkey for the leader-to-leader negotiations.

11. Since his appointment, my Special Adviser has visited the island on four separate occasions to facilitate meetings between the leaders and their respective representatives and officials. On 3 September, as had been previously agreed, the leaders formally launched full-fledged negotiations. I warmly welcomed this development and commended them for their seriousness of purpose, sense of

compromise and commitment. My Special Adviser attended both the formal launch, on 3 September, and the first substantive meeting between the leaders, on 11 September, at which discussions began on governance and power-sharing. Prior to the launch of the substantive meetings, I had telephoned the Prime Minister of Turkey and Kostas Karamanlis, the Prime Minister of Greece, to urge them to support the process. I also telephoned Mr. Christofias and Mr. Talat to reaffirm my support.

12. Since then, the leaders have met on nine occasions under United Nations auspices, with either Special Adviser Downer or Deputy Special Adviser Tayé-Brook Zerihoun present. In the first phase of negotiations, the meetings have focused on the key issues of governance and power-sharing. In these efforts, the leaders have been supported by additional meetings of their representatives.

13. Early in September, my Special Adviser travelled to Athens, where he met with the Prime Minister of Greece and the Minister for Foreign Affairs, Dora Bakoyannis; and to Ankara, where he met with the President of Turkey, Abdullah Gül; the Prime Minister and the Minister for Foreign Affairs. Early in October, he travelled to Washington, D.C., for meetings with officials of the State Department of the United States of America; to London, to meet with the Minister for Europe of the United Kingdom of Great Britain and Northern Ireland and with other officials of the Foreign and Commonwealth Office and the Office of the Prime Minister; and to Brussels, where he met with the European Commissioner for Enlargement, Olli Rehn, and other European Union officials. In November, he travelled to Paris to meet with officials of the Office of the President and of the Ministry of Foreign Affairs of France. All interlocutors expressed to my Special Adviser their support for a mutually acceptable solution. My Special Adviser is planning to visit Beijing and Moscow in the near future.

14. Late in September, on the margins of the General Assembly debate, I met separately with the President of Turkey and the Foreign Minister of Greece. Both reiterated the support of Turkey and Greece, respectively, for the negotiation process. To both I stressed the importance of creating a harmonious and constructive atmosphere in Cyprus conducive to the building of trust. On 22 September, in New York, I met again with Mr. Christofias.

15. In order to deliver coherent and effective support to the efforts of the parties throughout the process, the United Nations has adopted, and will continue to adopt, an integrated approach that maximizes synergies among my good-offices mission and UNFICYP. My Special Representative and Chief of Mission of UNFICYP, Mr. Zerihoun, serves as my Deputy Special Adviser on issues relating to my good offices. He will continue to articulate and be the conduit for the support — substantive and administrative — provided by UNFICYP and the United Nations country team to the good-offices effort.

16. The substantive pillars of UNFICYP — civil affairs, military, civilian police — will support the good-offices efforts through the provision of expertise and institutional knowledge, in particular by assisting the parties in devising and implementing confidence-building measures. Administrative and infrastructure support will also be provided. My Special Representative will also coordinate expertise from the United Nations country team, including the Committee on Missing Persons in Cyprus, in a common effort to help create an environment conducive to the talks.

III. Activities of the United Nations Peacekeeping Force in Cyprus

A. Prevention of a recurrence of the fighting and maintenance of the military status quo

17. During the reporting period, the situation in the buffer zone has remained stable. The main focus of UNFICYP military operations has been to maintain stability in the buffer zone and pursue military confidence-building measures. Since the opening of the Ledra Street crossing, both opposing forces have demonstrated good cooperation with UNFICYP on matters related to that crossing point. UNFICYP no longer maintains an overt military presence there, and crossings from both sides have continued without incident.

18. The total number of military violations and other incidents during the current reporting period was 352, marginally less than in the previous reporting period. Typical violations were minor in nature and had little effect on the situation along the ceasefire lines. Such violations included unauthorized improvements to military positions, incursions into the buffer zone, the overmanning of observation posts and the photographing of the opposing forces' positions. Those minor violations were corrected when representation was made to the chain of command of the opposing forces.

19. As reflected in my previous report (S/2008/353), the opposing forces repeatedly employed low-level tactical measures in an effort to irritate or cause minor intimidation to the opposing side. Such acts were more common where the positions of the opposing forces are in close proximity, such as in the centre of Nicosia.

20. The opposing forces conducted low-level training at observation posts and in the vicinity of the buffer zone, but refrained from conducting major exercises or manoeuvres. The majority of this training and familiarization was for new recruits and included terrain briefings and substantial overmanning of observation posts. The National Guard cancelled its "Exercise Nikiforos", and the Turkish Forces responded by cancelling "Exercise Toros". The cancellation of these major exercises has been seen as a significant confidence-building measure in line with the current political process, and it is hoped that such restraint will be shown also with respect to other military activities. Of notable significance was a training incident that occurred on 17 November 2008. While conducting 81mm mortar training, the Turkish Forces/Turkish Cypriot Security Forces accidentally fired a non-explosive, training mortar bomb across the buffer zone into a residential area of Nicosia. There were no reported casualties. Mr. Talat apologized to Mr. Christofias for the incident, and it was satisfactorily resolved.

21. The Turkish Forces continue to impose restrictions on the movement of United Nations Peacekeeping Force in Cyprus. Measures include the continued denial of routes on the Karpas peninsula and the imposition of tight controls on access to, and the conduct of operations within, the walled area of Varosha, as noted in my previous report. The United Nations continues to hold the Government of Turkey responsible for the status quo in Varosha. On three separate occasions, civilian members of UNFICYP attempting to conduct official business were stopped by Turkish Cypriot police. On one of those occasions, an UNFICYP engineer party was

27. Since my previous report, UNFICYP, in cooperation with international and local partners, facilitated 56 bicomunal events, with the participation of 5,294 persons from both communities, who came together to promote the reunification of the island and support the ongoing negotiations between the leaders of the two communities. Those events were held at Ledra Palace Hotel in the buffer zone, which continues to be considered by both sides as a neutral venue. Issues of common interest, in particular intercommunal confidence-building matters, continue to be the main theme of those gatherings. The increase in the number of participants in intercommunal activities illustrates the importance that Cypriots from both sides attach to the resumed political process. The UNDP Action for Cooperation and Trust programme continued to cooperate with UNFICYP in this area. It contributed to the fostering of a climate conducive to constructive dialogue between Greek Cypriots and Turkish Cypriots and supported the role of civil society in the promotion of a culture of reconciliation across the island through bicomunal events and activities and the establishment of island-wide intercommunal networks and cross-community partnerships.

28. Regular monthly meetings between Greek Cypriot and Turkish Cypriot political party leaders continued at the Ledra Palace Hotel under the auspices of the Embassy of Slovakia. The subcommittee established by that forum met three times to discuss confidence-building matters and agreed on joint visits to schools and hospitals on both sides. On 14 September, youth sections of the Greek Cypriot and Turkish Cypriot political parties jointly organized an event to mark the International Day of Peace.

29. UNFICYP continued to deliver humanitarian assistance to Greek Cypriot and Maronites living in the northern part of the island. During the reporting period, UNFICYP conducted 62 humanitarian convoys and visits to 372 Greek Cypriots and 136 Maronites in the north. As described in my previous report, the 54 requests made by Greek Cypriot and Maronite internally displaced and refugee families that wish to return and permanently reside in the north are still pending owing to differences between the two sides over the eligibility criteria for permanent returns. UNFICYP continued to facilitate, through contacts with the authorities in the north, the delivery of textbooks and the appointment of teachers to the elementary and secondary Greek Cypriot schools in Rizokarpaso, on the Karpas peninsula. To date, of 14 teachers and other academic staff appointed for the current academic year, 6 have been allowed to teach at the schools, while 8 have been denied permission.

30. UNFICYP also continued to assist Turkish Cypriots living in the southern part of the island in obtaining identity documents, housing, welfare services, medical care, employment and education. Following a review of its activities in facilitating humanitarian assistance to Turkish Cypriots in the south, UNFICYP has initiated discussions with the relevant local authorities and concerned community representatives with a view to further improving the humanitarian and welfare action directed to them.

31. The establishment of a Turkish-language primary school in Limassol is still pending. There have been no further developments on this matter since the Supreme Court of the Republic of Cyprus rejected the lawsuit filed by the Cyprus Turkish Teachers' Trade Union, as mentioned in my previous report (S/2008/353, para. 28).

32. Members of both communities continue to seek the use of property in the buffer zone for various civilian activities that range from hunting, farming and the

construction of large-scale residential and commercial housing to mining projects. Facilitating those activities while ensuring stability continues to be one of the main challenges facing the mission. Despite the coordination arrangements agreed with the relevant authorities aimed at addressing the trend of unauthorized construction in the buffer zone, the continued lack of adherence to the UNFICYP buffer-zone procedures for civilian activities hampers the implementation of the mandate of the mission.

33. During the reporting period, UNFICYP authorized six projects in the buffer zone, outside of civil-use areas. Those projects included telecommunications infrastructure, sewage system, housing and road construction. In October, a private mining company from the south blocked a section of an UNFICYP patrol track with a large amount of soil outside the buffer zone in the area of Skouriotissa, in sector 1. The company obstructed the patrol track in reaction to the decision by the mission not to approve a request for the extraction of iron ore in a mine located in a sensitive area in the buffer zone. UNFICYP removed the blockage, and the matter was brought to the attention of the authorities.

34. The preservation, protection and physical restoration of the cultural heritage, immovable and movable, on the island is being discussed within the framework of the ongoing negotiations towards a comprehensive settlement of the Cyprus problem. Several restoration projects are also being implemented by the UNDP Partnership for the Future programme in Famagusta, Kyrenia and the walled city of Nicosia. Both sides continue to seek UNFICYP facilitation to access sites and icons of religious and cultural significance to both sides. During the reporting period, UNFICYP facilitated eight religious and commemorative events on the island, which were held without incident.

35. On 8 August, approximately 1,200 Turkish Cypriots travelled through the prospective Limnitis/Yeşilirmak crossing point to participate in an annual commemorative event in the Kokkina/Erenkoy area; however, use of the same prospective crossing was denied by the Turkish Cypriot side to members of the Greek Cypriot community of Kato Pyrgos who wished to attend the planned annual prayers at Ayios Mamas church in the first week of September.

36. UNFICYP continued to liaise with the two sides on law enforcement and on issues related to crossings on humanitarian grounds. During the reporting period, UNFICYP facilitated 24 medical evacuations and the transfer of the remains of four Greek Cypriots to the north for burial in their villages. The mission also conducted regular prison visits with 12 Turkish Cypriot inmates in the south and 1 Greek Cypriot detained in the north. After two inmates escaped from Nicosia prison in October 2007, several meetings were held with prison authorities with the aim of developing a protocol for use in the event of a similar occurrence. The protocol was completed recently.

37. Relations between UNFICYP and the police forces on both sides remained cooperative and constructive. Meetings at a senior level with the respective police forces are held regularly in order to ensure the smooth processing of crime-related information.

38. In August, there were four cases of property damage in the bicommunal village of Pyla. The incidents caused grave concern among the villagers and among the Turkish Cypriot community in the north. The Turkish Cypriot leader visited Pyla

and held consultations with both the Greek Cypriot and Turkish Cypriot *mukhtars*, who later organized a joint press conference aimed at preventing a negative perception of the bicomunal village. The mission continues to work with the two communities in Pyla to assist in the maintenance of good relations and build confidence between them. To that end, UNFICYP plays an important mediation role, including the monitoring of long-standing arrangements established between the two communities.

IV. Committee on Missing Persons in Cyprus

39. During the reporting period, the Committee pursued its bicomunal project on the exhumation, identification and return of the remains of missing persons. By November, the remains of 455 individuals had been exhumed on both sides of the buffer zone by the Committee's bicomunal teams of archaeologists. The remains of more than 292 missing persons had undergone examination at the Committee's bicomunal anthropological laboratory in the United Nations Protected Area in Nicosia. Following DNA genetic analysis, carried out by a bicomunal team of scientists at the Cyprus Institute of Neurology and Genetics, the remains of 105 individuals had been returned to their respective families.

40. In October, following a training period which lasted more than two years, full operational responsibility for running the Committee's anthropological laboratory was handed over to a bicomunal team of Cypriot scientists. That was the culmination of the capacity-building and local ownership dimensions of the Committee's project. The Argentine Forensic Anthropology Team, which trained the Cypriot archaeologists and anthropologists, continued its involvement in the project for quality-control purposes. Funding for those activities is provided by the European Union and bilateral donors through UNDP.

41. The Committee enjoyed broad political and public support during the reporting period. However, I continue to urge all parties concerned to take every possible action in order to speed up the exhumation process.

V. Financial and administrative aspects

42. The General Assembly, by its resolution 62/255, appropriated the amount of \$54.9 million gross (\$52.5 million net) for the maintenance of UNFICYP for the period from 1 July 2008 to 30 June 2009. In this regard, I am grateful for the voluntary contribution of one third of the net cost of the Force, equivalent to \$17.5 million, by the Government of Cyprus and the voluntary contribution of \$6.5 million by the Government of Greece. I invite other countries and organizations to do likewise, with a view to reducing the portion of the cost of UNFICYP covered by assessed contributions.

43. Should the Security Council decide to extend the mandate of UNFICYP for a further period of six months, the cost of maintaining the Force would be limited to the amount approved by the General Assembly.

44. As at 31 August 2008, the total outstanding assessed contributions to the special account for UNFICYP for the period from 16 June 1993 to 15 December

2008 amounted to \$26.6 million. The total outstanding assessed contributions for all peacekeeping operations as at the same date amounted to \$3,873,700.

45. Reimbursement of troop- and contingent-owned equipment costs has been made only for the periods up to 31 May 2007 and 31 March 2006, respectively, owing to the delay in the receipt of assessed contributions.

VI. Observations

46. During the reporting period, the situation in the buffer zone remained calm and stable. The opposing forces extended in general good cooperation to UNFICYP, and only minor incidents were recorded. I commend both sides for their decision to cancel their main annual military exercises, in line with the improved political atmosphere on the island. The UNFICYP Force Commander will work with military commanders on both sides to extend this constructive approach to other military activities. In this context, I hope the Turkish Forces will lift their unwarranted restrictions on the movement of UNFICYP.

47. Steady progress has been achieved in the clearing of minefields located in the buffer zone. While I acknowledge this with satisfaction, I call on both military forces to agree to the clearance of a small number of outstanding minefields. I hope that with the continued assistance of the European Union and the cooperation of both sides, the demining operation will proceed without interruption. I consider this process an important example of a confidence-building measure and encourage political and military leaders on both sides to take further steps in that direction.

48. I am encouraged that the humanitarian work of the Committee on Missing Persons continues unhindered. This has been possible thanks to the continued political and public support the effort enjoys across Cyprus and abroad. I am particularly pleased to see that a bicommunal team of Cypriot scientists has taken over full operational responsibility for the Committee's anthropological laboratory.

49. Over the last six months, efforts to solve the Cyprus problem have entered a new phase. The decision on 3 September 2008 by Mr. Christofias and Mr. Talat to resume formal negotiations towards a comprehensive settlement on the basis of a bizonal, bicommunal federation with political equality was encouraging. It reflected political courage, vision and commitment, which both leaders clearly share. Through only four formal meetings since the process began, and with the two key joint statements of 23 May and 1 July, they have managed to forge a common framework and a vision of the endgame with regard to the peace process. I commend their political leadership for bringing the process to this point and encourage them to push the process forward.

50. This common vision has guided the negotiations, which are currently focusing on power-sharing arrangements in a reunited Cyprus. My assessment is that, on the whole, negotiations are moving ahead well, with both parties presenting their respective positions and engaging with each other in a constructive and open manner. It is not surprising that the parties agree on many aspects, given that the broad outline and the established parameters of the solution are well known and already articulated by them. Nor are they starting from scratch; they have the advantage of a significant body of work to draw upon.

51. Nonetheless, the issues to be addressed are difficult, and differences along the way will naturally appear. Many issues cut across one another and cannot be considered in isolation but rather as areas for potential compromise. The nature of the process therefore demands a diligent and patient approach. I am confident that both leaders will remain engaged through regular meetings and committed to seeing the process through.

52. A further reason for optimism is the excellent personal chemistry that the leaders enjoy. Their sensitivity to each other's needs and political constraints are unique assets in helping them move forward together with determination and confidence. Together they have also taken ownership of and full responsibility for the process. The challenge facing them — as partners and not adversaries — is to maintain the momentum of the process that they have begun.

53. Bearing in mind that any eventual agreement will be put to simultaneous referendums, it is of vital importance that the parties do not neglect the political aspects of the process. It will be necessary for them to actively explain to their respective communities that compromise is indispensable if a solution is to be reached; and to explain and promote the benefits of a win-win solution in the economic, political, security-related and other fields. Mutual recriminations and negotiating through the media run counter to these objectives.

54. An involved and informed civil society, which is essential to building trust and desirable in and of itself, forms part of the same strategy. Their active participation can contribute to helping Cypriots understand what they will be called to vote upon, so that any future settlement can be sustainable. I call once again upon the sides to find the best means to facilitate the active involvement of Cypriot civil society in the debate on the future of their country.

55. The range of approved concrete measures from the technical committees was a welcome breakthrough, and its implementation would not only improve the daily life of many Cypriots but also encourage and facilitate greater interaction among them. Thus I would encourage the parties to implement these measures as soon as possible, as both sides have acknowledged that they are important for building public support for the process. In the same vein, military and other confidence-building measures, such as the opening of crossings, including at Limnitis/Yeşilirmak, would greatly contribute to improving the atmosphere on the island.

56. It remains my view that the establishment of economic, social, cultural, sporting or similar ties and contacts will have a positive impact on the ongoing efforts. As I have stated before, such contacts would nurture a sentiment of trust between the communities and help ease the sense of isolation felt by the Turkish Cypriots. Further, greater economic and social parity between the sides will make the eventual reunification not only easier, but also more likely. In the context of an internationally sanctioned peace process, efforts in the opposite direction can only be counterproductive.

57. Regarding the negotiations themselves, the approach adopted to date is to identify and put to the side issues on which the parties agree; identify and negotiate options on which they disagree; and put to the side those issues that are difficult to overcome at this stage. As the negotiations intensify in the coming months, there will be an increased need to rationalize the process to deliver results through a

dedicated structure in support of the leaders. The representatives and working groups could play a useful role in taking this process forward in a dynamic and interactive manner, under the guidance of the leaders.

58. The support of the United Nations for the process will remain unwavering, under the leadership of my Special Adviser. In accompanying the parties along the way, our role is to assist and facilitate this Cypriot-owned process as required; I will spare no effort in this undertaking. I am also fully prepared, at the parties' request, to offer more assistance.

59. I believe that for the time being, and in the absence of a comprehensive settlement, UNFICYP continues to play a vital role on the island, both as a stabilizing factor on the ground and as a source of critical support for my good-offices mission. I therefore recommend that the Security Council extend the mandate of UNFICYP by a further period of six months, until 15 June 2009.

60. In conclusion, I wish to express my gratitude to my Special Adviser, Mr. Downer; my Special Representative and Chief of Mission, Mr. Zerihoun; the Force Commander, Rear Admiral Mario César Sánchez Debernardi; and the men and women serving in the special political mission and UNFICYP for the efficiency and dedication with which they have discharged the responsibilities entrusted to them by the Security Council.

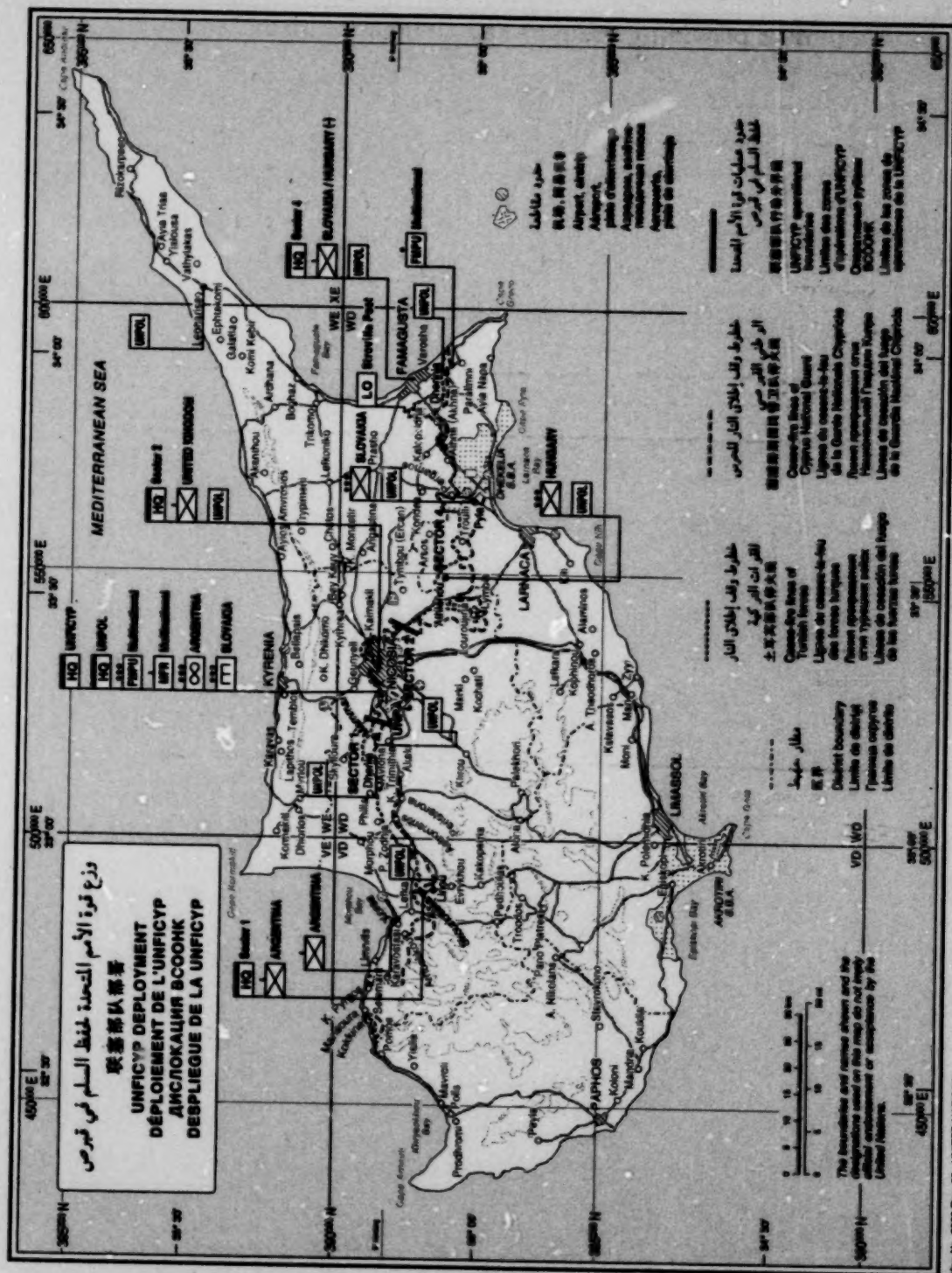
Annex

Countries providing military and civilian police personnel (as at 31 October 2008)

Country	Military personnel
Argentina*	295
Austria	5
Canada	1
Hungary	84
Slovakia**	200
United Kingdom of Great Britain and Northern Ireland	273
Total	858
United Nations police	
Argentina	4
Australia	15
Bosnia and Herzegovina	2
Croatia	3
El Salvador	8
India	7
Italy	4
Ireland	19
Netherlands	7
Total	69

* The Argentine contingent includes soldiers from Chile (14), Paraguay (14) and Brazil (1).

** The Slovakian contingent includes soldiers from Croatia (4).



**Security Council**

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**Fourth report of the Secretary-General on the
United Nations Integrated Office in Burundi****I. Introduction**

1. The present report is submitted pursuant to Security Council resolution 1791 (2007), by which the Council extended the mandate of the United Nations Integrated Office in Burundi (BINUB) and requested me to keep it regularly informed of progress in the implementation of the resolution. The report provides an update on major developments in Burundi since my previous report, of 15 May 2008 (S/2008/330), until 10 November.

II. Major developments**A. Peace process**

2. The peace process saw marked progress in the beginning of the reporting period but subsequently drifted towards a deepening stalemate as the 31 December 2008 deadline for the implementation of the Comprehensive Ceasefire Agreement approached. The return to Bujumbura on 16 May of a delegation of the Parti pour la Libération du Peuple Hutu-Forces Nationales de Libération (Palipehutu-FNL), led by its spokesperson, Pasteur Habimana, provided a new impetus to the implementation of the Comprehensive Ceasefire Agreement signed in September 2006. The Political Directorate and the Joint Verification and Monitoring Mechanism both convened on 19 May for the first time in Bujumbura in 2008. On 26 May, the Government and Palipehutu-FNL issued a joint declaration in which they agreed to put an end to the hostilities that had erupted in April. The return of the Palipehutu-FNL Chairman, Agathon Rwasa, to Bujumbura on 30 May further strengthened the credibility of the peace process.

3. On 2 June, Government and Palipehutu-FNL delegates to the Joint Verification and Monitoring Mechanism adopted a joint operational plan outlining the demobilization and integration calendar for Palipehutu-FNL combatants. The European Commission and the Government of Switzerland agreed to provide to support an exceptional €420,000 feeding programme for Palipehutu-FNL combatants. The feeding programme was intended to curb criminality and encourage the movement of combatants into designated assembly areas for the commencement of disarmament, demobilization and reintegration.



4. In a letter dated 4 June to the Chairman of the Political Directorate, Palipehutu-FNL Chairman Rwsa outlined his priorities as follows: (a) the release of political and war prisoners; (b) political accommodation and military integration; (c) amendment of the Constitution to permit the transformation of Palipehutu-FNL into a political party under its current name; (d) the rewriting of the history of Burundi; and (e) the establishment of a "truth, forgiveness and reconciliation commission".

5. In June, the Political Directorate, including representatives of the Government and Palipehutu-FNL, met with the Group of Special Envoys for Burundi in Magaliesberg, South Africa. At that meeting, the parties and the Group of Special Envoys issued the Magaliesberg Communiqué, in which the Government and Palipehutu-FNL reaffirmed their commitment to seek common and comprehensive solutions to the impediments that had stymied past efforts towards the implementation of the peace process. The South African Parliament decided to extend its contribution of troops to the African Union Special Task Force in Burundi from 30 June to 31 December 2008.

6. After a number of delays, by 21 July about 2,100 Palipehutu-FNL elements had arrived at the first assembly area, in Rugazi commune, Bubanza Province. The Government publicly deplored the extremely low ratio of weapons to combatants and the absence of a list verifying the 21,000 combatants that Palipehutu-FNL claimed to have. Controversy ensued after Palipehutu-FNL Chairman Rwsa made public his letter of 27 July addressed to the South African Facilitator, Charles Nqakula, requesting that approximately half of all senior civilian and military positions in Government institutions be allocated to Palipehutu-FNL.

7. The above notwithstanding, the Joint Verification and Monitoring Mechanism achieved some progress on the issue of political prisoners with the conclusion of a national prison survey on 8 August, which identified 687 Palipehutu-FNL prisoners. Their cases have been referred to a joint Ministry of Justice/Palipehutu-FNL commission to confirm their eligibility for release.

8. On 18 August, the President of Burundi, Pierre Nkurunziza, and Palipehutu-FNL Chairman Rwsa met in the presence of the Facilitator and committed to biweekly closed-door meetings. At the same time, on 18 and 19 August, the President issued two decrees, establishing a commission to examine the combatant status of the alleged Palipehutu-FNL dissidents at Randa and Buramata communes, Bubanza Province, and officially recognizing them as Palipehutu-FNL deserters. This prompted Palipehutu-FNL, which had disowned the group, to publicly accuse the Government of sabotaging the peace process. Meanwhile, Palipehutu-FNL Chairman Rwsa sent a letter to the President on 26 August accusing the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) of assassination plots against himself and other senior Palipehutu-FNL leaders.

9. Despite these tensions, the Palipehutu-FNL Chairman met the President in Ngozi on 29 August, accompanied by the Facilitator and the Political Directorate. Their meeting resulted in the Ngozi Declaration, in which the responsibility of both leaders in resolving outstanding issues was clarified. Among these issues, there were three that were judged as potentially inconsistent with the Constitution and on which the help of the Political Directorate was sought. These were: (a) recognition of Palipehutu-FNL as a political party under its current name; (b) participation of

Palipehutu-FNL as a parliamentary observer; and (c) accommodation of Palipehutu-FNL members in the executive branch of the Government.

10. On 17 September, the Palipehutu-FNL Chairman submitted a memorandum to the Political Directorate stating that his movement would not comply with demobilization requirements prior to being registered as a political party under its current name. He proposed to exempt Palipehutu-FNL from having to comply with the Constitution as it related to its name until after the 2010 elections, at which time a constitutional reform might be undertaken that would allow it to maintain its current name.

11. Separate Political Directorate meetings with President Nkurunziza and Palipehutu-FNL Chairman Rwasa on 26 September also confirmed that the leaders remained deadlocked on issues of political accommodation and on issues of military integration. On 14 October, the head of the Government delegation to the Joint Verification and Monitoring Mechanism stated that the national defence forces would intervene to protect the population if Palipehutu-FNL exactions continued. On 27 October, alleged Palipehutu-FNL sympathizers demonstrated in a number of provinces, blaming the Government for the lack of progress in the peace process. In response, the Government spokesperson for the Minister for Public Security warned that the Government would not tolerate such disturbances and accused Palipehutu-FNL of violating the Comprehensive Ceasefire Agreement.

12. Following a briefing by the Facilitator to the heads of State of the Regional Peace Initiative on 22 October on the stalemate in the implementation of the Comprehensive Ceasefire Agreement, a ministerial delegation, comprising the Minister for Foreign Affairs of Uganda, the Facilitator and a representative of the United Republic of Tanzania, conveyed messages from the Regional Peace Initiative to President Nkurunziza and Palipehutu-FNL Chairman Rwasa on 6 November. The messages were that the 31 December deadline for completing the implementation of the Comprehensive Ceasefire Agreement must be observed, that the Government must accommodate Palipehutu-FNL in national institutions in conformity with the law, that Palipehutu-FNL should spare no effort to send its combatants to assembly areas for the disarmament, demobilization and reintegration process and that Palipehutu-FNL must forego the ethnic connotation in its name. By 10 November, no progress had been seen. In a disturbing development, reports of both Palipehutu-FNL and Government defence forces taking up new military positions were confirmed, contributing to public fears in western provinces about the likelihood of renewed armed clashes.

B. Security situation

13. The overall security situation in Burundi saw some improvement during the period under review, following the cessation of large-scale hostilities between the Government and Palipehutu-FNL on 26 May. However, criminal activities perpetrated by alleged Palipehutu-FNL elements, former combatants and members of the security forces, as well as unidentified armed individuals, persisted throughout the country. These activities were characterized by grenade attacks, armed robberies, looting, ambushes and killings.

14. There were disquieting developments regarding the safety of United Nations personnel. On 7 July, two United Nations vehicles carrying BINUB staff members

were the targets of grenade attacks at two different locations in Bujumbura. One of the targeted vehicles was substantially damaged, but fortunately no one was injured. These incidents appear to be related to the grievances of former personnel of the United Nations Operation in Burundi. The Ministry of Foreign Affairs informed BINUB in late August that the Government had instructed all relevant services to investigate, prosecute the perpetrators and take action to prevent further attacks. Initial arrests were made and the investigation is ongoing.

C. Political developments

15. In my report of 15 May, I informed the Council about the recurrent internal political crises that had paralysed the work of both the executive and the legislative branches of Government over the past year. That situation changed significantly during the reporting period, with the exclusion of 22 dissenting CNDD-FDD parliamentarians from the National Assembly.

16. The Constitutional Court ruled on 6 June that the continued presence in Parliament of the 22 dissident CNDD-FDD parliamentarians was unconstitutional because they no longer represented any elected political group or party. Their replacement by parliamentarians loyal to the CNDD-FDD re-established the ruling party's simple majority in the National Assembly. As a result, legislative activities resumed in the Assembly and an unprecedented number of laws were adopted. However, the political opposition and some international observers questioned the Constitutional Court's ruling and raised questions about the independence of the judiciary. The dissenting parliamentarians addressed letters to me in June and September expressing concern for their safety and also questioning the legality of the ruling.

17. On 18 June, President Nkurunziza established by decree the Permanent National Independent Electoral Commission. Burundi's political actors welcomed the creation of the Electoral Commission but deplored the lack of consultation. Opposition parties expressed particular concern about the upcoming selection process of its members and demanded to be consulted. The members of the Commission must be approved by Parliament.

18. In July, two of the 22 former CNDD-FDD parliamentarians who had been removed from their seats were arrested on allegations of threatening State security. A third was arrested on 1 October on charges of insulting and assaulting a magistrate. Several civil society and media representatives were also arrested and/or summoned to the police between August and October. Over 200 civil society organizations issued a memorandum on 5 September to denounce intimidation against members of civil society and the media. They also expressed concern about what they regarded as pre-electoral campaigning and poor functioning of the Government.

19. On 6 October, the Ministry of the Interior issued an order regulating meetings and demonstrations of political parties and other associations. This order included implementing measures of a decree dating from 1991. The political opposition protested, claiming that the order restricted freedom of assembly. On 15 October, the ruling party requested that the Minister of the Interior consult with political parties on the order's provisions. Between September and early November, a number of members of the political opposition were arrested, including members of

the Union for Peace and Development-Zigamibanga and the Mouvement pour la sécurité et la démocratie (which has now changed its name to Mouvement pour la solidarité et la démocratie). They were arrested on charges of slandering the head of State and holding illegal political meetings. These arrests triggered strong reactions from civil society and the international community.

20. The second parliamentary plenary session, which took place from 2 June to 29 August, was productive, with the adoption of 20 laws, including two that related directly to peace consolidation: the laws on the establishment of the National Security Council and the National Council on Unity and Reconciliation.

21. Two new political parties led by prominent political actors were accredited in July and August respectively: the dissident Front pour la démocratie au Burundi (FRODEBU)-Nyakuri party led by the former National Assembly President, Jean Minani, and the Alliance pour la démocratie et le renouveau, led by former senior CNDD-FDD member and former Second Vice-President, Alice Nzomukunda.

D. Regional aspects

22. On 21 June, the Pact on Security, Stability and Development in the Great Lakes Region entered into force following ratification by eight of the 11 core countries of the International Conference on the Great Lakes Region. Under the terms of the Pact, Burundi and the other Governments of the region committed themselves to address the key security, governance, development, humanitarian and social challenges from a regional perspective.

23. Following its recent accession to the East African Community, Burundi was granted, on 29 August, a special status within the Community allowing for the gradual removal of customs duties imposed on its goods and services. The East African Community High-level Task Force to Negotiate the East African Community Common Market Protocol held its third round of negotiations in Bujumbura from 20 to 27 September. The protocol is expected to be concluded by December 2008.

24. The resumption of heavy fighting in the eastern part of the Democratic Republic of the Congo in late August raised concern about possible recruitment by Congolese armed groups among the Burundian population, including demobilized troops and combatants. The Government has established a commission to investigate this matter.

E. Activities related to the Peacebuilding Commission

25. On 23 June, the Government submitted its first biannual progress report on the implementation of the Strategic Framework for Peacebuilding in Burundi. The report included a set of recommendations that took into account the concerns of all relevant stakeholders. The Peacebuilding Commission welcomed the report and issued a series of new recommendations, while also identifying specific challenges, including addressing the stalemate in the implementation of the Comprehensive Ceasefire Agreement, human rights violations and high levels of unemployment and poverty.

26. From 21 to 24 October, a delegation led by the new Chairman of the Peacebuilding Commission's Burundi configuration, Ambassador Anders Lidén (Sweden), visited Burundi. The delegation discussed with the Government and other stakeholders the next steps in the country's peacebuilding process and, in particular, ways to enhance their partnership. The delegation also discussed a possible role for the Peacebuilding Commission in assisting the country to create a conducive environment for the holding of free, fair and peaceful elections in 2010; to mobilize resources to support the peace process, including for any urgent disarmament, demobilization and reintegration needs; and to help address challenges related to the reintegration of Burundian returnees and refugees from neighbouring countries.

III. Peace consolidation and United Nations system integration

27. Further integration in the work of the United Nations team in Burundi has been achieved at both the strategic and programmatic levels by continuing to leverage the complementary roles entrusted to my Executive Representative, who also serves as the Resident Coordinator, Humanitarian Coordinator, United Nations Development Programme (UNDP) Resident Representative and Designated Official.

28. The United Nations system in Burundi has integrated the political, security and human right tasks mandated by the Security Council with the humanitarian, early recovery and development activities of the various United Nations organizations present in Burundi by focusing on those activities that consolidate peace. Those tasks have been articulated in the United Nations Integrated Peacebuilding Support Strategy (an expansion of the United Nations Development Assistance Framework), which has guided the peace consolidation efforts of BINUB and the rest of the United Nations system for the past two years in support of the Government's priorities. During the period under review, this integrated approach helped to enhance the impact of individual and collective support to the Government in areas such as food insecurity, access to land, especially for returnees and the Burundians expelled from the United Republic of Tanzania, and empowerment of women and youth for peace consolidation. Funds received from the Multi-Donor Peacebuilding Trust Fund helped to finance these and other critical peace consolidation priorities.

29. In order to consolidate integration, the United Nations integrated management team and the Government of Burundi initiated a strategic planning exercise during a retreat in October. The exercise was aimed at defining the strategic priorities for the United Nations for the period 2010-2014, such as: (a) support to national capacities for strategic planning and coordination; (b) democratic governance, including the electoral process and related institutions; (c) transitional justice and human rights; and (d) community recovery, with a focus on those populations most affected by the war. The retreat established a joint Government-United Nations steering team that will lead the rest of the planning exercise, taking into account the comparative advantages of the United Nations and its alignment with other key partners. These four priorities reflect the commitment of the United Nations to support, in an integrated manner, the outstanding peace consolidation challenges.

Democratic governance

30. During the reporting period, the governance areas that presented some of the biggest challenges included the functioning of institutions, the establishment of an

environment conducive to dialogue and corruption. In accordance with its mandate, BINUB carried out a number of activities to help improve national dialogue, strengthen Government and civil society capacities in the fight against corruption, support the functioning of Parliament and advance reform in public administration and decentralization.

31. In an effort to promote dialogue among Burundian stakeholders, BINUB initiated on 7 July a series of dialogue workshops in all 17 provinces with some 1,000 participants in the context of the Peacebuilding Fund project aimed at creating frameworks for dialogue. In addition, in order to continue strengthening national institutions, BINUB assisted the Ministry of Good Governance in establishing four out of nine planned "anti-corruption brigades"; provided technical assistance to the Ministry of Civil Service in developing a strategy for implementing reforms of the public administration; and assisted the Government in presenting a national decentralization policy paper and a three-year action plan to be validated by national and local officials, as well as representatives of civil society and the media.

Media

32. In an effort to build the capacity of the national media and the National Communication Council, BINUB provided training to journalists in ethics, media regulation, investigative journalism and communication techniques. Meanwhile, the relationship between the Government, the media and the National Communication Council experienced a setback following the arrest on 11 September of the editor of the news agency NetPress on charges of releasing false information about funds received by the President for his trip to China. On 23 September, the Council officially accused Burundian radio station Radio publique africaine of broadcasting false declarations involving senior Government officials. Subsequently, the radio station publicly acknowledged broadcasting incorrect reports on 5 October.

Security sector reform and disarmament, demobilization and reintegration

33. Notable advances were made towards the development of a sector-wide plan for security sector reform. On 31 August, President Nkurunziza approved a law adopted by Parliament creating the National Security Council, comprised of 17 members, in accordance with the Constitution. On 5 November, President Nkurunziza signed a decree appointing 9 of the 17 members of the National Security Council, including two bishops and two women. Non-appointed members include the President of the Republic, the First and Second Vice-Presidents and the Ministers of the Interior, Foreign Affairs, Public Security, Defence and Justice. The National Security Council is expected to assist in the development of a comprehensive national plan for security sector reform in order to coordinate reform of the police and the defence and intelligence services and to render them accountable to Parliament.

34. Regarding subsectoral reforms, on 3 June the Minister for Public Security unveiled a 10-year strategic development plan designed to transform the national police in Burundi into a modern and professional police force by 2017. The plan foresees the enhancement of police organizational structures and operational capacities, as well as augmentation of material assets. On the basis of a formal request, BINUB has agreed to assist in the formulation of a strategic reform plan for the national intelligence service. In addition, the midterm review of the 2006-2010

strategic development plan of the national defence forces was endorsed on 22 August by the Minister for National Defence.

35. On 23 June, the national intelligence service, in partnership with BINUB, launched a Peacebuilding Fund project focusing on the professionalization of the intelligence services through training and revision of the relevant legal framework, with a view to placing the intelligence service under more effective parliamentary control.

36. Marked progress was achieved in several other priority areas of security sector reform through the implementation of projects financed by the Peacebuilding Fund. On 4 August, training of the national defence forces in peacekeeping, code of conduct, human rights, gender and HIV/AIDS commenced, and is expected to be completed in March 2009. The number of military barracks to be renovated in the context of the Peacebuilding Fund project providing support for quartering of the national defence forces increased from 14 to 17, thanks to support from the Netherlands, and is currently on target to be completed by February 2009. This will allow better command and control over troops and their weaponry, and limit their contact with civilians. Furthermore, out of 715 internally displaced families accommodated in military barracks during the war, 625 have been resettled.

37. Radio-equipped vehicles and office equipment were provided to provincial police stations, improving logistical support and the presence of the police in rural areas. BINUB and the United Nations Development Fund for Women facilitated the establishment of specialized gender units in four provincial police headquarters. BINUB also supported the Office of the Inspectorate General of Police through a project aimed at reinforcing its capacity to ensure internal control and accountability mechanisms to prevent corruption and human rights abuses by members of the Burundian national police. Several vehicles and office equipment and materials have been provided to the Office of the Inspectorate General and training of staff on police investigation techniques and internal control mechanisms was conducted.

38. The downsizing process in order to "rightsized" the national army and police to 25,000 and 15,000 elements, respectively, has remained paralysed since April. The process, under which an additional 4,300 elements are to be involuntarily demobilized and provided with reintegration assistance, stalled, pending progress on the integration of Palipehutu-FNL into national defence and security forces.

Disarmament, demobilization and reintegration

39. During the reporting period, some progress was made on the disarmament, demobilization and reintegration of ex-combatants and militias. This was, however, hampered by allegations of misuse of funds within the national demobilization, reinsertion and reintegration programme and there remain approximately 27,300 elements who still need to participate in the process. Among these are the 21,100 reported Palipehutu-FNL elements, 2,155 of whom are assembled in the Rugazi assembly area under the protection of the African Union Special Task Force, as well as the 4,300 security service elements who are to be demobilized and reinserted into civilian life. Moreover, further to two Presidential decrees issued on 18 and 19 August 2008, a decision was taken to include in the disarmament, demobilization and reintegration programme 3,321 alleged Palipehutu-FNL dissidents who are currently encamped in Bubanza Province, under the protection of the national defence forces.

40. On 15 September, an assessment mission under the World Bank multi-country demobilization and reintegration programme confirmed that the regional programme will end on 31 December, resulting in the termination of the current funding mechanism for the Burundian national demobilization programme. However, some residual funds are still available for demobilization if progress in the disarmament demobilization and reintegration process is made before a cut-off date of the end of December. The World Bank has confirmed that \$10 million should be available by April 2009 through a World Bank International Development Association loan for a new trust fund mechanism specifically for Burundi. While the Government continues its dialogue with partners on this new mechanism, it has been restructuring its national agency and re-evaluating its national demobilization and reintegration programme. Working with the World Bank and UNDP, BINUB is supporting the Government to develop a new national strategy for disarmament, demobilization and reintegration. This strategy would address not only the demobilization and reintegration of the Palipehutu-FNL combatants, but also sustainable community-based reintegration of all demobilized combatants and certain linkages between disarmament, demobilization and reintegration and security sector reform. It should also be noted that the mandate of the African Union Special Task Force will expire on 31 December 2008, as does that of the South African Facilitation. Unless the Special Task Force mandate is extended, there will be no neutral force to provide protection to Palipehutu-FNL combatants assembled in the Rugazi assembly area, which could seriously affect the willingness of Palipehutu-FNL to participate in the disarmament, demobilization and reintegration process.

Small arms

41. The issue of proliferation of small arms remained a serious concern for the Government, the population and international partners. On 26 May, the Commission on Civilian Disarmament and Combating the Proliferation of Small Arms was established by presidential decree, expanding the mandate of the previous body to include a general prohibition on arms. In late August, the Commission, in partnership with BINUB and UNDP, drafted a revised law on small arms and light weapons in an effort to harmonize Burundian law with the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. The law is now under review by relevant ministries prior to submission to Parliament.

42. Progress was made in arms destruction at sites constructed with BINUB's assistance. A total of 2,094 small arms and light weapons have been destroyed since 1 May 2008, bringing the tally to approximately 6,000 light weapons destroyed this year. Throughout the provinces, the police continued to conduct house-to-house searches and cordon operations to confiscate illegal arms.

43. In accordance with the 2004 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, teams from the Burundian mine action coordination centre continue to work towards clearing the remaining 4 per cent of estimated risk zones in Bubanza Province.

Human rights

44. The incidence of serious human rights violations, which had sharply increased in April during the hostilities, remained high during the following months. Recently, a growing trend of harassment of representatives of civil society, trade unions and opposition parties by the Burundian authorities has been observed, including arbitrary arrest and detention.

45. Impunity remained an issue of concern. Only a fraction of recorded human rights violations were investigated and only a small number of human rights violators were prosecuted and sentenced.

46. Regarding the summary executions committed at Ruvubu national park, Muyinga Province, in 2006, on 23 October a military court sentenced the main defendant to death in absentia, while 14 other defendants received prison sentences. Another nine of the accused were acquitted. In the case of the four summary executions committed in August 2006 in Kinama commune, Bujumbura Mairie Province, public hearings were held on 13 November and the tribunal postponed the case until January 2009. In the case of the alleged torture of 22 persons by a special police unit in Rutegama commune, Muramvya Province, in 2007, the three accused policemen appeared before the court in October and November and hearings are expected to resume after deliberations on preliminary motions. There were no new developments regarding the 2004 Gatumba massacre. In the 2001 murder case of Kassy Manlan, the former representative of the World Health Organization in Burundi, all defendants were acquitted by the Supreme Court on 12 June.

47. Since mid-August, the Government has increasingly taken measures that have been perceived as limiting freedom of assembly, as described above, and freedom of expression. With regard to the latter, legal actions have been initiated against non-governmental organizations, media bodies, trade unions and political parties who express opposition views. At least six persons are currently in prison on charges of defamation of the State or ruling party officials. Since August, civil society representatives have voiced protests against these actions.

48. The Optional Protocol to the International Covenant on Civil and Political Rights may be examined during the current parliamentary session, following a request by the President that the law ratifying the Protocol, which was adopted during the last session, be reviewed.

49. Sexual violence remained an issue of serious concern. BINUB participated in organizing a high-level conference on strategies to combat sexual violence, held from 17 to 19 June in Goma, Democratic Republic of the Congo. Moreover, BINUB and the United Nations Children's Fund (UNICEF) supported the Government in the elaboration of a draft law on violence against women. BINUB also continued to participate in monitoring the implementation of the national strategy to combat sexual violence and abuse against women and children and recommended that activities and measures at the local level be harmonized.

50. BINUB conducted numerous activities to raise awareness of human rights among representatives of the Government, security forces, media, civil society and the population. BINUB, in close collaboration with the Government, is carrying out activities within the framework of the sixtieth anniversary of the Universal Declaration of Human Rights, which will culminate in a national event on 10 December.

51. Regarding the establishment of a national independent human rights commission, a draft law has been under review by an inter-ministerial committee since May. Following its review, the committee will transmit the draft to the National Assembly and Senate for adoption. BINUB continues to support this process.

52. By its resolution 9/19 adopted in September 2008, the Human Rights Council extended the mandate of the Independent Expert on the situation of human rights in Burundi until the creation of a national and independent human rights commission. At the same session, the Independent Expert presented his report (A/HRC/9/14), which covered his visit to Burundi from 29 June to 12 July. In his report, the Independent Expert noted that the overall human rights situation had deteriorated and he issued a number of recommendations to the Government and to the international community.

53. Burundi will be considered at the third session of the universal periodic review mechanism in the Human Rights Council on 2 and 4 December 2008. BINUB assisted the different stakeholders in preparing for this exercise, during which a report submitted by the Government will be reviewed. The outcome report, expected to be adopted by the Human Rights Council after the exercise, will include a set of recommendations.

Justice sector reform

54. The submission of the revised draft criminal procedure code to the National Assembly and Senate was delayed pending its translation into Kirundi in accordance with the Constitution. The revised draft criminal code has been on the parliamentary agenda since February 2007. It is scheduled to be examined during the third parliamentary session, which started on 6 October.

55. Seventeen new magistrate courts are under construction and will be equipped in the framework of the justice project funded by the Peacebuilding Fund and Luxembourg. Despite some delays, the project should be completed by the end of the year.

56. Prison overcrowding remains a high-priority concern and led to several disturbances in provincial prisons during the reporting period. In conjunction with the Ministry of Justice, BINUB organized a series of seven mobile court sessions to help accelerate court proceedings and decrease the number of pretrial detainees. BINUB also trained, in collaboration with the Director General of Penitentiary Affairs, 120 civilian and police prison personnel on the Standard Minimum Rules for the Treatment of Prisoners and other international human rights instruments, as well as on professional ethics.

57. In addition, BINUB implemented strategic initiatives designed to strengthen the capacity of Burundian magistrates. First, 254 magistrates, including 51 women, have been trained throughout the country on the application of international human rights instruments in criminal legal proceedings under Burundian law. Second, approximately 1,000 magistrates were trained in judicial ethics. Third, a month-long train-the-trainers course on court management and ethics was organized for 12 magistrates, who, in turn, will train approximately 120 judicial authorities by the end of 2008.

58. In the area of juvenile justice, BINUB organized a series of sensitization workshops in Ngozi Province. Participants included 970 members of local child protection committees. Moreover, radio programmes and announcements were broadcast in the region to highlight special concerns relating to juvenile justice. Subsequently, 11 juvenile detainees were released.

Transitional Justice

59. In my previous report, I expressed concern about the lack of progress towards the establishment of transitional justice mechanisms. The reporting period witnessed advances in the preparation of the national consultations on the establishment of transitional justice mechanisms. In August, the Peacebuilding Fund project to support these national consultations established a technical follow-up committee, which is composed of members of the Government, civil society, international partners, the United Nations and members of the Tripartite Steering Committee. The technical follow-up committee adopted the national consultation project's first detailed quarterly workplan prepared by BINUB.

60. From 8 to 10 October, BINUB, in collaboration with the International Center for Transitional Justice, conducted an in-depth training workshop for members of the Tripartite Steering Committee and the technical follow-up committee in charge of the national consultations. In addition, BINUB facilitated regular meetings of a civil society forum to monitor the national consultation process. The national consultations are scheduled to begin in early 2009.

Child protection

61. The child protection situation gradually improved during the reporting period. However, serious violations of children's rights continued to be reported, including many cases of sexual violence against young girls. Of the reported cases, only a small number of violators were prosecuted and sentenced. BINUB and UNICEF continued to carry out capacity-building activities and participated in the country task force on monitoring and reporting serious violations of children's rights.

62. BINUB and UNICEF closely monitored the situation of children associated with armed groups in Burundi. Following the identification and separation of 220 children associated with the alleged Palipehutu-FNL dissidents, the children were reunified with their families and communities in June and July. In October, Palipehutu-FNL Chairman Rwasa refused to release the children associated with his movement until its political demands were met. BINUB and UNICEF continued their advocacy for the immediate and unconditional release of all children associated with Palipehutu-FNL.

63. The detention of children in the same prison facilities as adults continued to be of concern. BINUB and UNICEF, together with partners of the juvenile justice platform, which comprises the Ministry of Justice, the Office of the Prosecutor and national and international non-governmental organizations, prepared inputs on juvenile justice legal standards to be included in the revised criminal code and criminal procedure code.

Gender

64. In accordance with Security Council resolution 1325 (2000), BINUB continued its monitoring and training activities on women's protection, rights and specific needs, as well as the promotion of women's participation in peacebuilding activities. The midterm review of projects funded by the Peacebuilding Fund indicated that these projects were successful in integrating a gender perspective. As a result of this review, it was decided to intensify peacebuilding activities that specifically target women, in particular capacity-building activities.

65. BINUB supported elected female representatives at the communal, provincial and national levels through training in lobbying techniques and the establishment of a women's parliamentary caucus. On 29 October, the caucus held its constituent assembly during which its members committed to playing a larger role in addressing peace consolidation challenges and drafting an action plan on legislative matters of interest to women in both houses of Parliament.

66. On 20 June, BINUB began providing training to high-ranking national defence force officers on gender equality and the prevention of violence against women. Within the Peacebuilding Fund project on strengthening the role of women in reconciliation, BINUB also assessed difficulties faced by the 65 women among the alleged Palipehutu-FNL dissidents in the Randa and Buramata sites, Bubanza Province, and recommended specific support measures.

IV. Humanitarian situation

67. Significant increases in prices for basic commodities and seeds continued to have a negative impact on food security. Climatic factors and lack of seeds, which continued to affect harvests, aggravated the already fragile situation.

68. To enhance the preparedness of the humanitarian country team, a workshop on humanitarian reform was held on 24 September, which led to the formal adoption of the cluster approach in Burundi.

69. Progress has been achieved in refugee returns and community recovery, thanks to funding from the Central Emergency Response Fund. United Nations agencies are working to deliver a comprehensive and harmonized aid package to returning refugees and persons expelled from the United Republic of Tanzania, as well as vulnerable host populations. Since June, some 57,000 refugees have returned to Burundi. This includes the return of 19,848 former refugees who fled the country in 1972. The return rate of Burundian refugees sharply increased in 2008, owing to the closing of camps in the United Republic of Tanzania as well as the beginning of the organized return of long-term refugees. Only two camps for Burundian refugees remain open in the United Republic of Tanzania, hosting approximately 50,000 refugees who fled Burundi in the 1990s. In August, the Office of the United Nations High Commissioner for Refugees (UNHCR), in collaboration with the European Commission, announced their support for the naturalization of 76,000 of the 172,000 Burundian refugees who want to remain in the United Republic of Tanzania. To date, some 6,427 Burundians have been expelled from the United Republic of Tanzania where they were residing illegally. Those expelled also received support from UNICEF and are being resettled alongside returning refugees.

70. The increased rate of refugee returns, combined with an influx of Burundians expelled from the United Republic of Tanzania, has led to an increased need for reintegration activities during the reporting period. Access to land remains the most important reintegration challenge, which primarily affects the main provinces of return, notably Makamba, Muyinga and Ruyigi. More than 80 per cent of former 1972 refugee returnees do not have access to land upon return, mostly because their family land has been redistributed by the authorities or occupied since the 1970s. This situation poses a security risk and has given rise to conflicts between current land occupants and returnees who lay claim to their old land holdings. UNHCR and the Government are providing temporary shelter to these returnees.

71. The Government's National Commission for Land and Other Assets is registering land and property conflicts countrywide and is engaged in finding amicable solutions. On 29 October, the Commission announced that, since its establishment in 2006, it had registered 10,451 cases of land disputes and that 2,211 of those cases had already been resolved. BINUB and UNHCR have supported the Commission through capacity-building in the framework of a Peacebuilding Fund project. Furthermore, the Government's Inter-Ministerial Committee on Land Reform held national consultations in August involving local and national actors. Those consultations culminated in the publication of the Government's land reform strategy, which included updating land regulations and legislation, modernization of land management services, decentralization of land management, development of sustainable solutions for landless persons and coordination of land policy implementation.

V. Economic situation

72. Burundi's real growth rate for gross domestic product is estimated at 4.5 per cent for 2008, exceeding the 2007 growth rate but remaining below the 6.6 per cent forecast. The inflation rate rose to 28.6 per cent in June owing to the increase in fuel prices and basic commodities. The global economic recession is expected to affect the demand for Burundian exports. On 26 September, the World Bank announced the disbursement of \$10 million to assist in mitigating the impact of the food crisis.

73. A mission of the International Monetary Fund (IMF) in June noted that Burundi's structural reform process remained slow, while good progress had been made in monetary and fiscal reforms. For its part, the World Bank indicated that Burundi could fulfil the requirements to access debt relief under the Heavily Indebted Poor Countries Initiative by January 2009. On 4 August, the World Bank approved a country assistance strategy for 2009-2012 for an estimated amount of \$309 million.

74. The first annual review of the poverty reduction strategy paper, which is currently being finalized, indicated delays in reform of the coffee sector, demobilization and the programme for macroeconomic stability. On 7 July, the Government and IMF signed a new programme to support the implementation of the poverty reduction strategy paper. This followed the approval in May and June of three new World Bank projects, for a total of \$80 million, on water and electricity infrastructure, the fight against HIV/AIDS and agricultural rehabilitation.

75. At the request of the Government and development partners, UNDP established a basket-fund in July to enhance the Government's donor coordination capacities, including technical support to the permanent secretariat of the National Committee for Aid Coordination.

VI. Observations

76. Burundi has made commendable advances in key areas for peace consolidation. However, the country continues to face serious challenges, primarily emanating from the stalled implementation of the Comprehensive Ceasefire Agreement, enduring mistrust among political actors, increased restrictions on public liberties, slow progress in fighting impunity, persistent human rights violations, insecurity and high levels of poverty.

77. The end of hostilities between the Government and Palipehutu-FNL in May and the return to Bujumbura of the Palipehutu-FNL leadership were welcome developments. However, the parties have yet to overcome the differences that have blocked the implementation of the September 2006 Comprehensive Ceasefire Agreement. Palipehutu-FNL's insistence on being recognized as a political party under its current name is one of the reasons for the current impasse, with the risk for peace and stability that this may imply. The impasse in the peace process is deepening and the risks of renewed confrontation are intensifying. I regret that, despite internal efforts and external support, the parties have not yet been able to muster the political will to overcome their differences and look to the future for the benefit of their country. I urge the Government and Palipehutu-FNL to spare no efforts to reach the necessary difficult compromises on the issues that have so far hindered the implementation of the Comprehensive Ceasefire Agreement. I also call on both parties to heed the recent messages of the leaders of the Regional Peace Initiative.

78. Children associated with Palipehutu-FNL should not be held hostage to the slow pace of the talks nor that of the demobilization process. I urge the leaders of the movement to release them immediately and unconditionally.

79. I wish to express my gratitude to the African Union, the Regional Peace Initiative, the South African Facilitation and the Political Directorate for their continued engagement in supporting Burundi's peace consolidation efforts. Although the mandate of the Facilitator and the African Union Special Task Force will expire on 31 December 2008, efforts of the region and the international community remain essential for the conclusion of the implementation of the Comprehensive Ceasefire Agreement. The personal involvement of President Museveni and President Kikwete, respectively Chairman and Vice-Chairman of the Regional Peace Initiative, and that of President Motlanthe, along with Facilitator Charles Nqakula, remains crucial in the light of the continuing deadlock and the fast approaching deadline of 31 December. I strongly encourage the African Union and the Regional Peace Initiative leaders to persist in their efforts to re-energize the peace process in order to complete the implementation of the Comprehensive Ceasefire Agreement by 31 December 2008. The United Nations stands ready to support them. The engagement of the Regional Peace Initiative and the Facilitation will be necessary beyond that date in order to continue to act as guarantors of this fragile peace process.

80. I am encouraged by the resumption of legislative activity in Parliament. At the same time, I call on the Government of Burundi and all national actors to uphold their commitment to the principles enshrined in the Constitution, and opt for dialogue in the resolution of the issues that divide them. BINUB continues to reinforce national capacities to prevent and peacefully resolve conflict as part of its peacebuilding mandate and the Mission is ready to support or facilitate such dialogue.

81. I am concerned about the increasing number of arrests of members of the political opposition and representatives of civil society and the media. I urge the authorities to respect the right to freedom of expression and assembly enshrined in the Constitution and the Universal Declaration of Human Rights. To that end, I call on the authorities to allow peaceful assemblies, to desist from detaining persons for expressing their beliefs or opinions and to guarantee due process and fair judicial review for all detainees.

82. While human rights violations continue to be of serious concern, I commend the Government's recent steps towards fighting impunity. The conviction of 15 suspects involved in the Musinga massacre is an encouraging step in the right direction. I am also encouraged by the Government's decision to start the prosecution of those involved in the Kinama killings of 2006. I urge the Government to prosecute all those responsible for equally grave human rights violations, including those involved in the Gatumba massacre of 2004.

83. I welcome the progress achieved during this period in the preparations for the national consultations on the establishment of transitional justice mechanisms. The timely establishment of these mechanisms is critical to laying the foundation for national reconciliation.

84. The high incidence of sexual violence in Burundi remains of concern. I urge the Government to spare no efforts to address this issue, including through new legislation, fighting against impunity in sexual violence cases and improving legal and social support for victims of sexual violence.

85. The overall security situation in Burundi has registered some improvement, but the general population still faces widespread criminality. In this connection, I deplore the attacks against United Nations personnel in July. I am heartened by the assurances by the Government and its declared intention to bring to justice those responsible for those attacks and prevent their reoccurrence.

86. The Peacebuilding Commission's engagement in Burundi has provided valuable support to the promotion of peace and stability and has helped to ensure that international attention has remained focused on the country. In this regard, I would like to emphasize BINUB's role in support of the Peacebuilding Commission, as well as the roles of the Mission and the United Nations system in assisting the Government in an integrated manner in addressing peacebuilding priorities that have become more urgent in the current context.

87. The Peacebuilding Fund projects have proved to be an important vehicle for implementing key aspects of BINUB's peace consolidation mandate. I welcome this development and wish to acknowledge the contribution of BINUB, with other members of the United Nations system, in the implementation of these projects. I urge the Government, with the support of the Peacebuilding Commission, BINUB

and other international partners, to mobilize additional resources to sustain the initial impact that some of these projects seem to have achieved.

88. In collaboration with all relevant partners, BINUB will continue to assist the Government to enact sector-wide security reforms and complete the disarmament, demobilization and reintegration process. A new disarmament, demobilization and reintegration strategy is needed to contribute to short-term stabilization, while preparing for the longer term sustainable reintegration of former combatants. I encourage the Government, the World Bank and other partners to establish expeditiously, with the support of BINUB and UNDP, a new Burundi-specific demobilization and reintegration funding mechanism following the closing of the World Bank multi-country demobilization and reintegration programme on 31 December. While these efforts are ongoing, measures must also be taken by international partners, led by the World Bank, to ensure there is no gap in resources to address urgent disarmament, demobilization and reintegration needs in the short term, should a breakthrough in the peace process occur. I would also strongly encourage the African Union to extend the mandate of its Special Task Force, which has played a key role in reassuring Palipehutu-FNL that they will be protected during their participation in the disarmament, demobilization and reintegration process.

89. I welcome the Government's establishment of the Permanent National Independent Electoral Commission, and I look forward to the appointment of its members through an inclusive process, which would be an important first step towards building confidence in the coming electoral process. In the meantime, I exhort the Government to take all the necessary measures to create an environment conducive to the holding of free, fair and peaceful elections. The United Nations stands ready to assist.

90. In the light of the continuing challenges and the uncompleted tasks identified in the present report, I recommend that the Security Council extend BINUB's mandate for an additional 12-month period following the expiration of its current mandate on 31 December 2008. However, in the light of the evolving situation on the ground, it would be important for the Council to conduct a review of the mandate by June 2009.

91. In support of the proposed review of the mandate in June 2009, I intend to dispatch an integrated technical assessment mission to Burundi in early 2009, which will consult all stakeholders on the ground and develop recommendations on the modalities for the future direction of BINUB, taking into account progress made and the remaining challenges at the time. These recommendations will be presented in my report in May 2009, including the timing and conditions for a possible transfer of responsibility for BINUB from the Department of Peacekeeping Operations to the Department of Political Affairs, with the latter continuing to receive the necessary support from UNDP and the Peacebuilding Support Office, given the primary focus of BINUB's mandate on supporting the regional facilitation efforts and on peacebuilding and peace consolidation.

92. Should the Security Council concur with the above recommendation on the mandate extension, BINUB will continue, in collaboration with other partners in the peace process, to play an active political role in supporting the Regional Peace Initiative, the Facilitation and the African Union to complete this final and crucial leg of Burundi's peace process.

93. Taking into account Security Council resolutions 1719 (2006) and 1791 (2007), and given the interconnectedness of the various conflicts in the region, the current provisions for cooperation between BINUB and the United Nations Organization Mission in the Democratic Republic of the Congo should be strengthened.

94. Finally, I would like to express my sincere gratitude to all BINUB personnel, who, under the leadership of my Executive Representative for Burundi, Youssef Mahmoud, have continued to work tirelessly for the cause of peace in Burundi, at times under difficult circumstances. My appreciation equally goes to all other United Nations personnel for their commendable efforts to integrate their actions in support of peace consolidation in Burundi and the agenda for its early recovery. Finally, I would like to commend concerned non-governmental organizations and bilateral and multilateral partners for their steadfast commitment and generous contributions to Burundi.

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Agenda item 109Security Council
Sixty-third year

Implementation of the resolutions of the United Nations

**Letter dated 27 November 2008 from the Permanent
Representative of Greece to the United Nations addressed
to the Secretary-General**

I refer to the letter dated 17 November 2008 addressed to you by the Permanent Representative of the former Yugoslav Republic of Macedonia (A/63/552-S/2008/718) transmitting an aide-memoire from its Ministry of Foreign Affairs relating to its application filed with the International Court of Justice against Greece concerning the implementation of article 11, paragraph 1, of the Interim Accord of 13 September 1995 (S/1995/794, annex I) and wish to submit the following:

By resolution 817 (1993), the Security Council recommended that the former Yugoslav Republic of Macedonia be admitted to the United Nations under the provisional name "the former Yugoslav Republic of Macedonia", pending settlement of the difference that had arisen between the two countries over the name of this State, and emphasized that the issue should be resolved "in the interest of the maintenance of peaceful and good-neighbourly relations in the region". Furthermore, by resolution 845 (1993), the Security Council urged the parties "to continue their efforts under the auspices of the Secretary-General to arrive at a speedy settlement of the remaining issues".

With a view to establishing friendly bilateral relations with the former Yugoslav Republic of Macedonia and reinforcing regional stability and cooperation, Greece signed, on 13 September 1995, an Interim Accord with this country. In this context, and pursuant to the above Security Council resolutions, a process of bilateral negotiations facilitated by the Secretary-General's Personal Representative was established with the aim of reaching a mutually acceptable solution over the name issue (article 5, para. 1, of the Interim Accord).

Greece, throughout this period, has participated constructively in these negotiations, conducted under the efforts of the Personal Representative of the Secretary-General, Matthew Nimetz.



Beginning on 1 November 2007, Mr. Nimetz accelerated his efforts to facilitate the finding of a mutually acceptable solution over the name issue by holding extensive consultations with the two parties on the basis of the relevant Security Council resolutions and the 1995 Interim Accord. In June 2008, Mr. Nimetz presented to the parties a detailed proposal, which the former Yugoslav Republic of Macedonia rejected immediately. Since then, and following further consultations, Mr. Nimetz has presented three versions of his proposal, which have also been rejected by the former Yugoslav Republic of Macedonia. Greece, on its part, has provided Mr. Nimetz with a number of constructive comments and suggestions relating to his various proposals.

Moreover, since July 2008, the former Yugoslav Republic of Macedonia has raised a number of issues totally unrelated to the difference over the name in a clear effort to create confusion over the real issue at hand and to obstruct the process of negotiations under the auspices of the United Nations. These actions were taken with utter disregard for the relevant Security Council resolutions and at the expense of consolidating good-neighbourly relations between the two countries and maintaining peace and stability in the region of South-East Europe.

The present application of the former Yugoslav Republic of Macedonia to the International Court of Justice is yet another attempt by its Government to further obstruct and delay the process of finding a mutually acceptable solution to the difference over its name, despite the recommendations of the above Security Council resolutions and the provisions of the 1995 Interim Accord.

Greece notes with deep regret that the former Yugoslav Republic of Macedonia has for more than 10 years continued to show blatant disrespect for the letter and spirit of the relevant Security Council resolutions, which clearly recommended the use of the above name for all purposes within the United Nations, by using consistently the name which constitutes the object of the difference before United Nations organs, including the International Court of Justice. It has also consistently violated the provisions of the 1995 Interim Accord, which form the very basis of its present application before the International Court of Justice. Nevertheless, the Government of Greece fully intends to exercise its right to present its case to the International Court of Justice.

Notwithstanding the above developments, I would like to take this opportunity to assure you of Greece's commitment to the continuation of the process of negotiations within the framework of the United Nations with the aim of reaching a speedy and mutually acceptable solution over the name issue. I also wish to assure you that Greece, which has consistently participated constructively in these discussions, will continue to do so.

I should be grateful if the present letter were circulated as a document of the General Assembly, under agenda item 109, and of the Security Council.

(Signed) John Mourikis
Ambassador
Permanent Representative



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**General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East**

**Security Council
Sixty-third year**

**Identical letters dated 26 November 2008 from the Permanent
Representative of Lebanon to the United Nations addressed to the
Secretary-General and the President of the Security Council**

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations from 1 to 14 November 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(Signed) Nawaf Salam
Ambassador
Permanent Representative



Annex to the identical letters dated 26 November 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Subject: Israeli violations, acts of aggression and other activities from 1 to 14 November 2008

Air violations

On 1 November 2008, between 0700 hours and 2100 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over regions of the South before departing over 'Alma al-Sha'b.

On 3 November 2008, between 0725 hours and 1400 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over the sea off Tyre. It circled over Beirut and the South before departing over Rumaysh.

— Between 0958 hours and 1047 hours, four enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila and flying north as far as the Shuf. They circled over regions of the Shuf, the South and Beirut before departing over 'Alma al-Sha'b.

On 4 November 2008, between 0800 hours and 1600 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over the South before departing over al-Naqurah.

On 5 November 2008, between 1005 hours and 1125 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over Kafr Kila. They circled over all Lebanese regions before departing over 'Alma al-Sha'b.

On 6 November 2008, between 0700 hours and 1635 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over the South, the western Bekaa and Beirut before departing over al-Naqurah.

On 7 November 2008, between 1100 hours and 2235 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over Beirut and the South before departing over 'Alma al-Sha'b.

On 8 November 2008, between 1050 hours and 2255 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over regions of the South before departing over al-Naqurah.

On 9 November 2008, between 0700 hours and 2225 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace, entering over al-Naqurah. It circled over regions of the South and the Bekaa before departing over 'Alma al-Sha'b.

— Between 1410 hours and 1445 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over 'Alma al-Sha'b and flying north as far as Beirut. They circled between Beirut and the southern regions before departing over the sea off al-Naqurah.

— Between 1410 hours and 1500 hours, two enemy Israeli military aircraft violated Lebanese airspace, entering over the sea off al-Batrun and flying east as far as Baalbek. They circled over Baalbek-al-Hirmil and then over all Lebanese regions before departing over the sea off al-Naqurah.

Sea violations

On 3 November 2008, at 0955 hours and again at 1025 hours, an enemy Israeli military launch located 100 metres south of the line of buoys and 1500 metres off the coast dumped two explosive charges into the water as a warning to two Lebanese fishing vessels located 400 metres north of the line of buoys.

- At 1835 hours, an enemy Israeli military launch located 50 metres south of the line of buoys and 500 metres off the coast dumped an explosive charge into the water and then fired a flare to keep away a Lebanese fishing vessel located 100 metres north of the line of buoys.

On 8 November 2008, at 0915 hours, an enemy Israeli launch located 50 metres south of the line of buoys and 400 metres off the coast dumped an explosive charge into the water to keep away a Lebanese national swimming near the coast 100 metres north of the line of buoys.

Ground violations

On 4 November 2008, at 2055 hours, while the Israeli enemy was conducting night-time firing at its position inside occupied Palestinian territory behind the Shaykh 'Abbad position, five tracer rounds were spotted over the Shaykh 'Abbad position in the town of al-Hula inside Lebanese territory.

On 6 November 2008, at 1330 hours, a Lebanese herder named Muhammad al-Muhammad, while on Lebanese territory, was subjected, without being hit, to a barrage of stones launched with a slingshot by an enemy Israeli Army soldier from the al-Himari outpost inside occupied Palestinian territory (opposite the town of al-Wazzani).

On 7 November 2008, at 0811 hours, an enemy Israeli patrol consisting of five Hummer vehicles was passing opposite the Lebanese Army's Ruwaysat al-Hadab position ('Ayta al-Sha'b). When they saw a sentry standing at his guard post near a pillbox, four enemy Israeli personnel disembarked from two of the vehicles and took up combat positions, aiming their weapons at the Lebanese Army position, while another aimed a vehicle-mounted MAG machine gun at the sentry. The patrol departed after approximately 12 minutes.

On 8 November 2008, at 2230 hours, the Israeli enemy shone a searchlight for two minutes from its position in al-Labunah in the direction of Lebanese territory above the Lebanese Army's al-Labunah position.

Other Israeli activities

On 12 November 2008, between 1000 hours and 1600 hours, inside the occupied Shab'a farmlands, a winch belonging to the Israeli enemy was seen removing a barbed-wire fence from the area surrounding the Radar outpost.

On 13 November 2008, at 0800 hours, the Israeli enemy erected two observation towers between the Shahal and Radar outposts inside the occupied Shab'a farmlands.

On 14 November 2008, at 1100 hours, the Israeli enemy erected a new military position consisting of one observation tower 150 metres south of the Radar position.

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Australia, Belgium, Canada, Croatia, Denmark, France, Greece, Italy, Japan, Malaysia, Netherlands, Norway, Portugal, Republic of Korea, Singapore, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008) and 1838 (2008),

Continuing to be gravely concerned by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government ("TFG") to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia's territorial waters,

Taking note of the requests from the TFG for international assistance to counter piracy off its coasts, including the 1 September 2008 letter from the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, the 20 November 2008 letter conveying the request of the TFG that the provisions of resolution 1816 (2008) be renewed, and the 20 November request of the Permanent Representative of Somalia before the Security Council that the renewal be for an additional 12 months,

Further taking note of the letters from the TFG to the Secretary-General providing advance notification with respect to States cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia and from





other Member States to the Security Council to inform the Council of their actions, as requested in paragraphs 7 and 12 of resolution 1816 (2008), and encouraging those cooperating States, for which advance notification has been provided by the TFG to the Secretary-General, to continue their respective efforts,

Expressing again its determination to ensure the long-term security of World Food Programme (WFP) maritime deliveries to Somalia,

Recalling that in its resolution 1838 (2008) it commended the contribution made by some States since November 2007 to protect WFP maritime convoys, and the establishment by the European Union (EU) of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, as well as other international and national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Welcoming the signing of a peace and reconciliation Agreement ("the Djibouti Agreement") between the TFG and the Alliance for the Re-Liberation of Somalia on 19 August 2008, as well as their signing of a joint ceasefire agreement on 26 October 2008, *noting* that the Djibouti Agreement calls for the United Nations to authorize and deploy an international stabilization force, and *further noting* the Secretary-General's report on Somalia of 17 November 2008, including his recommendations in this regard,

Commending the key role played by the African Union Mission to Somalia (AMISOM) in facilitating delivery of humanitarian assistance to Somalia through the port of Mogadishu and the contribution that AMISOM has made towards the goal of establishing lasting peace and stability in Somalia, and *recognizing* specifically the important contributions of the Governments of Uganda and Burundi to Somalia,

Welcoming the organization of a ministerial meeting of the Security Council in December 2008 to examine ways to improve international coordination in the fight against piracy and armed robbery off the coast of Somalia and to ensure that the international community has the proper authorities and tools at its disposal to assist it in these efforts,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. *Expresses its concern over the finding contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy off the coast of Somalia;*

3. *Welcomes the efforts of the International Maritime Organization ("IMO") to update its guidance and recommendations to the shipping industry and to Governments for preventing and suppressing piracy and armed robbery at sea and to provide this guidance as soon as practicable to all Member States and to the international shipping community operating off the coast of Somalia;*

4. *Calls upon States, in cooperation with the shipping industry, the insurance industry and the IMO, to issue to ships entitled to fly their flag appropriate advice and guidance on avoidance, evasion, and defensive techniques and measures to take if under the threat of attack or attack when sailing in the waters off the coast of Somalia;*

5. *Further calls upon States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines;*

6. *Welcomes initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom, the United States of America, and by regional and international organizations to counter piracy off the coast of Somalia pursuant to resolutions 1814 (2008), 1816 (2008) and 1838 (2008), the decision by the North Atlantic Treaty Organization (NATO) to counter piracy off the Somalia coast, including by escorting vessels of the WFP, and in particular the decision by the EU on 10 November 2008 to launch, for a period of 12 months from December 2008, a naval operation to protect WFP maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships, and to repress acts of piracy and armed robbery at sea off the coast of Somalia;*

7. *Calls upon States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, the IMO, the international shipping community, flag States, and the TFG;*

8. *Requests the Secretary-General to present to it a report, no later than three months after the adoption of this resolution, on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia;*

9. *Calls upon States and regional organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia, or for which there is reasonable ground for suspecting such use;*

10. *Decides* that for a period of 12 months from the date of this resolution States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

(a) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(b) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea;

11. *Affirms* that the authorizations provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been provided only following the receipt of the 20 November letter conveying the consent of the TFG;

12. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

13. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 10 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

14. *Calls upon* all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

15. *Notes* that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation; *urges* States parties to the SUA Convention to fully implement their obligations under said convention and cooperate with the Secretary-General and the IMO to build judicial capacity for the

successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

16. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authority provided in paragraph 10 above;

17. *Requests* the Secretary-General to report to the Security Council within 11 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

18. *Requests* the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal States, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

19. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 10 above for additional periods upon the request of the TFG;

20. *Decides* to remain seized of the matter.



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Agenda item 21
Question of Cyprus**

Security Council Sixty-third year

Letter dated 28 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 28 November 2008, addressed to you by Kemal Gökçeri, Representative of the Turkish Republic of Northern Cyprus (see annex), forwarding a letter from Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) Baki İlkin
Ambassador
Permanent Representative



Annex to the letter dated 28 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 28 November 2008 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) M. Kemal Gökçeri
Representative
Turkish Republic of Northern Cyprus

Enclosure

I have the honour to refer to the speeches made by Mr. Dimitris Christofias, the Greek Cypriot leader, and Ms. Dora Bakoyannis, the Minister of Foreign Affairs of Greece, during the latest high-level plenary of the United Nations General Assembly, as well as the letter of the Greek Cypriot representative in New York circulated as a United Nations document (A/63/378 of 26 September 2008), and bring to your kind attention the following considerations:

In line with the usual practice adopted by the Greek Cypriot leaders in their statements before the United Nations General Assembly, Mr. Christofias again took advantage of this opportunity to distort the recent history of Cyprus. Throughout the many years following the Greek Cypriot destruction of the 1960 partnership Republic of Cyprus, the Greek Cypriot side has managed to misinform the international community and portray the Cyprus question as one of "invasion" and "occupation". Furthermore, as reflected in Mr. Christofias' speech, the Greek Cypriot side attempts to disguise the fact that there is no Cypriot nation and that Cyprus is the common home of the Greek Cypriot people and Turkish Cypriot people.

The partnership Republic of Cyprus, which was founded in accordance with international treaties, was in fact destroyed in 1963 by the Greek Cypriot partner's onslaught on the Turkish Cypriot partner, and there has not been a joint central administration in the island ever since. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus". Hence, by late December 1963 there was no longer an entity called "Republic of Cyprus" which reflected the 1960 Agreements since one of the partners, namely Turkish Cypriots, were ousted by force of arms from all organs of the State and government.

Just as Mr. Christofias had, Ms. Bakoyannis also distorts the recent history of the island. It is true that there had been an invasion on the island, but this is certainly not the Turkish intervention of 20 July, which is fully legitimate, as Turkey acted in accordance with her obligations under the 1960 Treaty of Guarantee. Rather, it is the Greek Cypriot usurpation of the Government since 1963 and Greek invasion of 15 July when the junta in Athens staged a coup on the island. In a speech before the United Nations Security Council on 19 July 1974, the then Greek Cypriot leader Archbishop Makarios had the following to say:

"The coup of the Greek junta is an invasion, and from its consequences the whole people of Cyprus suffers, both Greeks and Turks. The Security Council should call upon the military regime of Greece to withdraw from Cyprus the Greek officers serving in the National Guard, and to put an end to its invasion of Cyprus."

When Ms. Bakoyannis talks of Greece having "consistently supported Cyprus in its natural and justified desire to see the withdrawal of all occupation forces as part of a settlement", she equates Cyprus with the Greek Cypriot administration and its people, since the "desire" she talks of reflects the sentiments of the Greek Cypriot side. It is noteworthy to underline in this regard that none of the Security Council resolutions on Cyprus calls for the withdrawal of the Turkish forces from the island. Furthermore, the withdrawal of all foreign troops has never been on the United Nations agenda. As reflected in various United Nations documents, what has

been envisaged hitherto is that in the event of a comprehensive settlement there will be a reduction of Turkish and Greek forces to an agreed level according to a certain timetable. In the absence of a comprehensive settlement, presence of the Turkish forces on the island is a vital security requirement for the Turkish Cypriot people.

In his statement, Mr. Christofias highlights the agreement of 1 July 2008 in which the two leaders agreed, in principle, that there will be "single sovereignty and single citizenship" while excluding the key element of the 23 May 2008 agreement in which the two leaders expressed their commitment to a new "partnership in the form of a bizonal, bicomunal federation with political equality", as defined by relevant Security Council resolutions. On 23 May 2008 the two leaders also agreed that this partnership would have "a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, which would be of equal status".

The fact that Mr. Christofias is reneging on his commitment to the framework agreed upon on 23 May 2008 becomes apparent when one considers the Memorandum signed between the Greek Cypriot administration and the United Kingdom on 5 June 2008. I would like to single out one very important issue reflected in the said Memorandum. In the Memorandum, the 23 May 2008 agreement has been partially included and a single sentence, pertaining to the concept of "partnership and the existence of two constituent states of equal status", which the Turkish Cypriot side considers vital, has been omitted. Unfortunately, the same omission has been made in the latest United Nations Security Council resolution on Cyprus (1818 (2008) of 13 June 2008). In doing so, the balance established by the two sides therein, which indeed made it possible to conclude the 23 May 2008 agreement, has been drastically shifted in favour of the Greek Cypriot side.

In a departure from the established United Nations parameters and body of work, the Greek Cypriot representative in New York claims that the peace talks "aim at the evolution of the Republic of Cyprus into a bizonal bicomunal federal state with political equality as set out in relevant United Nations Security Council resolutions". The Greek Cypriot administration thus rejects the "virgin birth" concept, which was central to the Annan Plan, and the long established parameter that a settlement of the Cyprus issue will be in the form of a new partnership between the two sides. A settlement through the evolution or transformation of the "Republic of Cyprus", as prescribed by Mr. Christofias in his opening remarks during the meeting of the two leaders on 3 September 2008, has never been on the agenda. Furthermore, it is noteworthy that in terms of procedure, Mr. Christofias rejects United Nations arbitration or mediation as well as timetables during the negotiations.

The remarks made by Mr. Christofias and Ms. Bakoyannis at the United Nations General Assembly that "Turkey should contribute to the process in a positive way" and that "Turkey [should] also demonstrate flexibility and goodwill toward that end [i.e. a settlement]", respectively, are misleading, since they give the false impression that finding a solution between the two sides on the island is contingent upon steps to be taken by Turkey. As evidenced by its strong support for the Annan Plan, Turkey has always demonstrated a constructive attitude towards finding a comprehensive solution to the Cyprus problem. It should be recalled that it was the Greek Cypriot side who rejected the Annan Plan and again it was the Greek

Cypriot leadership blocking the resumption of the talks until the meeting of 21 March 2008. During this period it was the initiative taken by the Turkish Cypriot leadership that led to the meetings of 8 July 2006 and 5 September 2007 between President Mehmet Ali Talat and former Greek Cypriot leader Mr. Tassos Papadopoulos. Neither of these meetings produced any result on account of the Greek Cypriot rejectionist stance. In the same period, the Action Plan proposed by Turkey on 24 January 2006, which entailed the lifting of the isolation of the Turkish Cypriots in exchange for the opening of Turkish ports to the Greek Cypriot side, was also rejected out of hand by the Greek Cypriot leader. It should also be recalled that it was again as an outcome of calls made myself to the Greek Cypriot leader Mr. Christofias after his election victory that enabled the start of the current process.

In spite of the fact that the Annan Plan provided the Greek Cypriot people with concrete advantages at the expense of the Turkish Cypriots, the Greek Cypriot administration, which rejected the Plan and continues to oppose it even as a basis for further negotiations, still has the audacity to complain about the presence of the Turkish army, the so-called influx of "settlers", the so-called "refugee" problem and other matters. In this regard the United Nations Secretary-General's observation is important:

"The rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint. Benefits for the Greek Cypriots which have been sought for decades — including the reunification of Cyprus, the return of a large swathe of territory, the return of most displaced persons to their homes (including a majority, some 120,000, under Greek Cypriot administration), the withdrawal of all troops not permitted by international treaties, the halting of further Turkish immigration and (if Greek Cypriot figures are accurate) the return to Turkey of a number of 'settlers' — have been forgone." (The former United Nations Secretary-General's report, dated 28 May 2004, para. 83.)

It becomes imperative to set the record straight, given Mr. Christofias' audacity in making false allegations on issues which would have been resolved had they not rejected the Annan Plan:

1. The refugee problem in Cyprus did not start in 1974 but dates back to 1963. It is an undeniable historical fact which has also been recorded in the relevant reports of the then United Nations Secretary-General to the Security Council that one fourth of the Turkish Cypriot people had been rendered homeless refugees, some of them several times over, as a result of the Greek Cypriot side's attempts to annex Cyprus to Greece. It is true that many Turkish Cypriots as well as Greek Cypriots were displaced in 1974 as a result of the Greek-Greek Cypriot coup and its aftermath. It is equally true, however, that the issue of displaced persons has been fundamentally settled through the Third Vienna Agreement dated 2 August 1975. With this Agreement, the two sides agreed on a voluntary regrouping of populations in their own respective territory, and this voluntary regrouping of populations has been carried out under the supervision of UNFICYP.

2. In every platform, the Greek Cypriot side keeps bringing up the matter of the so-called "settlers". It hardly needs to be stressed that migration of labour and immigration in general are international phenomena affecting all countries, including North Cyprus. It is only natural that the TRNC, like any other country, should regulate the labour force in accordance with its own economic requirements.

At present, the Greek Cypriots continue to admit tens of thousands of immigrants from other countries, particularly from ex-Soviet republics. It has been reported in the Greek Cypriot press of 16 April 2008 that during a press conference held the previous day the Greek Cypriot Minister of the Interior, Neocles Silikiotis, stated that more than 20 per cent of the population in the South is non-Cypriots. (More than 100,000 Greeks, 70,000 Pontus Greeks, 30,000 former Soviet bloc citizens, 15,000 Lebanese and 3,000 Kurds.) The Greek Cypriot daily newspaper *Phileleftheros* of 16 April 2008 reflected the existing situation through the following report:

“Demographic Problem in [South] Cyprus — one out of every five residents is non-Cypriot”.

With its campaign of misinformation, the Greek Cypriot administration purports to provide a smokescreen for the human rights violations perpetrated against the Turkish Cypriot people. The Greek Cypriot representative in New York is claiming that the isolations imposed on the Turkish Cypriot people are a result of the 1974 Turkish intervention. Reports of the United Nations Secretaries-General and of the international press bear testimony to the fact that the inhuman isolations imposed on the Turkish Cypriot people date back to the early sixties. It should be recalled that as early as 10 September 1964, in his report to the United Nations Security Council, the then United Nations Secretary-General described the inhuman restrictions imposed upon the Turkish Cypriot people by the Greek Cypriot authorities, under the usurped title of the “Government of Cyprus”, as being so severe that it amounted to a “veritable siege” (United Nations document S/5950).

After 40 years of Turkish Cypriots having been subjected to unjust and inhuman isolations, the former United Nations Secretary-General stated in his report dated 28 May 2004 that:

“The Turkish Cypriot vote [in the referendum on the Annan Plan] has undone any rationale for pressuring and isolating them. I would hope that the members of the Council can give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating Turkish Cypriots and impeding their development.”

The Greek Cypriots continue to construe any step taken by the Turkish Cypriot side or Turkey to overcome the inhuman isolation as a step towards upgrading or seeking recognition of the TRNC. In this regard, we welcome the fact that Your Excellency had the following to say in paragraph 47 of your report on the United Nations operation in Cyprus of 3 December 2007 (S/2007/699):

“It is regrettable that the ongoing debate on the lifting of the isolation of the Turkish Cypriots has become a debate on recognition ... The maintenance of economic, social, cultural, sporting or similar ties or contacts does not amount to recognition. On the contrary, it will benefit all Cypriots by building trust, creating a more even playing field and thus greatly contributing to the reunification of the island. It is therefore important for all actors concerned to reframe the debate and their actions with a view to achieving this crucial objective in conformity with Security Council resolutions.”

More recently, in its resolution 1628 of 1 October 2008, the Parliamentary Assembly of the Council of Europe called upon the Greek Cypriot administration to

"lift objections to the adoption of the Council of the European Union's Direct Trade Regulation put forward by the European Commission allowing free direct trade between Turkish Cypriots and the EU through their own ports". As you must be aware, the Greek Cypriot side has been blocking the implementation of the Direct Trade Regulation since 2004.

In the aforementioned letter, the Greek Cypriot representative in New York claims that the per capita income in the Turkish Republic of Northern Cyprus which "now stands at US\$ 12,000, [is] hardly reminiscent of any isolation". The fact that the GNP per capita is US\$ 12,000 in North Cyprus does not disprove the reality of isolation, since the GNP per capita in South Cyprus is almost double that amount. Had it not been for the isolation which prevents Turkish Cypriots from realizing their full potential, there is no doubt that there would not have been such a disparity between the two economies of this small island and the GNP per capita in North Cyprus would be on a par with that of South Cyprus.

Finally, I wish to express that the Turkish Cypriot side remains as committed as ever to finding a comprehensive settlement to the Cyprus problem in the shortest possible time under the good offices mission of Your Excellency and on the basis of established United Nations parameters and the United Nations body of work. As the Turkish Cypriot side, we will do the utmost to further the current process aimed at resolving the Cyprus dispute and trust that the Greek Cypriot side will approach the talks in the same spirit.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) Mehmet Ali Talat
President



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Question of Cyprus**

**Security Council
Sixty-third year**

**Letter dated 28 November 2008 from the Permanent
Representative of Turkey to the United Nations addressed
to the Secretary-General**

I have the honour to transmit herewith a letter dated 28 November 2008, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) Baki İlikin
Ambassador
Permanent Representative



Annex to the letter dated 28 November 2008 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement made to the Third Committee at the sixty-third session of the General Assembly on agenda item 64 (b), "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", by Mr. Minas A. Hadjimichael, Representative of the Greek Cypriot Administration of Southern Cyprus in New York. Since the Greek Cypriot side is habitually utilizing every opportunity to distort facts pertaining to the question of Cyprus in every international forum where the Turkish Cypriot side is denied lawful representation, I am compelled to respond, once again, in writing in order to put the record straight.

Throughout the many years following the Greek Cypriot destruction of the 1960 partnership Republic of Cyprus, the Greek Cypriot side has managed to misinform the international community and to portray the Cyprus problem as one of "invasion" and "occupation", while disguising the torment and unjust isolation inflicted on the Turkish Cypriot people. The restrictions imposed by the Greek Cypriot side violating the basic human rights of Turkish Cypriots in various fields, such as the rights to freely trade and travel, participate in worldwide sports, cultural events and educational schemes, such as the Bologna Process, are continuing and efforts to rectify this situation by various parties are still impeded by the Greek Cypriot side.

None of the United Nations resolutions to which reference is made in the above-mentioned statement describes the legitimate and justified Turkish intervention of 1974, undertaken in accordance with the Treaty of Guarantee of 1960, as "aggression" or "invasion", or the subsequent presence of Turkish troops on the island as "occupation". Such distortions are purely a Greek Cypriot invention aimed at blurring the issue and confusing the innocent with the guilty. On this point, I would only like to recall the dramatic statement made by Archbishop Makarios, the Greek Cypriot leader at the time, before the Security Council on 19 July 1974 (see S/PV.1780), in which he openly accused Greece, not Turkey, of invading and occupying Cyprus. His remarks, which came only four days after the Greek coup of 15 July 1974, are well recorded in the annals of the United Nations and hardly require further elaboration.

The years from 1963 to 1974, which the Greek Cypriot Representative intentionally chooses not to mention, were a period in which the Greek Cypriots, aided and abetted by Greece, practised ethnic cleansing, terrorism and tyranny against the Turkish Cypriots, all in the name of enosis (annexation of the island to Greece). The atrocities committed by the Greek Cypriots during that period drew comments from the international news media, such as *The Washington Post*, which reported in its issue of 17 February 1964 that "Greek Cypriot fanatics appear bent on a policy of genocide"; from prominent statesmen like George Ball, the United States Under-Secretary of State at the time, who wrote in his memoirs, entitled *The Past Has Another Pattern* (p. 64), that "Makarios's central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots"; and from the United Nations Secretary-General himself, who, in his report to the Security Council of 10 September 1964, stated that the Turkish Cypriots were living under "veritable siege" (see S/5950, para. 222).

The attempt by Greek Cypriot officials to brush aside the 11-year-long ordeal of the Turkish Cypriots is, to say the least, outrageous. It shows their total insincerity and refusal to show any sign of remorse or an attitude conducive to reconciliation.

As you would recall, the most recent effort, namely the Annan Plan, failed yet again as a result of the Greek Cypriot rejection. The Plan was submitted for the approval of the two sides through separate referendums on 24 April 2004. Despite the significant sacrifices it entailed for the Turkish Cypriot side, the Turkish Cypriot people approved the Plan by 65 per cent of the vote, whereas 76 per cent of the Greek Cypriot people overwhelmingly rejected the Plan in line with the call made by the then Greek Cypriot leader, Tassos Papadopoulos, in a television address on 7 April 2004, in which he demanded a "resounding no" from the Greek Cypriots. Consequently, the Greek Cypriot side, which voted against a solution, joined the European Union on behalf of the whole of Cyprus, and the Turkish Cypriot side, which voted for a settlement, not only remained outside EU but continues to be subjected to isolation and restrictions. In fact, the former Secretary-General of the United Nations, in his report to the Security Council of 28 May 2004 (S/2004/437, para. 90), pointed to this injustice and declared that the Turkish Cypriot "vote has undone whatever rationale might have existed for pressuring and isolating them".

In spite of the fact that the Annan Plan provided the Greek Cypriot people with concrete advantages at the expense of the Turkish Cypriots, the Greek Cypriot Administration, which chose to categorically reject the Plan, still has the audacity to complain about the so-called "violation of human rights concerning the property issue", the "Turkish military presence on the island" and other matters. In this regard the Secretary-General's observation is important:

"The rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint. Benefits for the Greek Cypriots which have been sought for decades — including the reunification of Cyprus, the return of a large swathe of territory, the return of most displaced persons to their homes (including a majority, some 120,000, under Greek Cypriot administration), the withdrawal of all troops not permitted by international treaties, the halting of further Turkish immigration and (if Greek Cypriot figures are accurate) the return to Turkey of a number of 'settlers' — have been forgone."

(Secretary-General's report of 28 May 2004, S/2004/437, para. 83)

Contrary to the Greek Cypriot Representative's allegations, the history of human rights violations in Cyprus goes back a long time. Parallel to that, the issue of "refugees" or displaced persons came about when one fourth of the Turkish Cypriot population was rendered homeless as from December 1963, when they had to flee for their lives as a result of the Greek Cypriot onslaught. It is true that many Turkish Cypriots as well as Greek Cypriots were displaced in 1974 as a result of the Greek coup d'état and its aftermath. It is equally true, however, that the question of displaced persons was settled through the Voluntary Exchange of Populations Agreement reached between the two sides at the third round of talks, held at Vienna in 1975. The Agreement was implemented under the supervision of the United Nations Peacekeeping Force in Cyprus.

With respect to the so-called "enclaves" in the Turkish Republic of Northern Cyprus, I wish to recall that the term "enclaved" was first used by the Secretary-General of the United Nations to describe the plight of the Turkish Cypriots between

1963 and 1974, who had been squeezed by the Greek Cypriots into small pockets scattered around the island. The total area of the Turkish Cypriot enclaves was a mere 3 per cent of the territory of the island. Since 1974, the Greek Cypriot side has attempted to hijack this term to misrepresent the living conditions of the Greek Cypriots and Maronites residing in the Turkish Republic of Northern Cyprus, for purely propaganda purposes.

One should note that the Greek Cypriots and Maronites enjoy the same, if not better, standard of living as the Turkish Cypriots of the same area. This has been confirmed in your predecessor's report of 10 June 1998 to the Security Council (S/1998/488, para. 22), wherein it is stated that "the standard of living of Greek Cypriots on the Karpas Peninsula does not differ significantly from that of Turkish Cypriots living in the same area".

The policy followed by the Greek Cypriot side since 1963 with regard to the issue of missing persons in Cyprus has been all too often politically motivated and, unfortunately, devoid of humanitarian considerations.

Until the events of 1974, the Greek Cypriot side maintained that no problem of missing persons existed in Cyprus, even though the list of Turkish Cypriots reported by their families as missing have been traced in the Greek Cypriot police records for 1964. Between the years of 1963-1974, around 502 Turkish Cypriots went missing after being abducted or detained by armed elements of the Greek Cypriot Administration. All of them were innocent civilians, one fourth comprising women and children, who were abducted from their homes, work places, hospitals or roads and who were then murdered and thrown into mass graves. I regret that this humanitarian issue is presented as if it is only affecting the Greek Cypriot side.

As the Greek Cypriot English language daily newspaper, the *Cyprus Mail*, commented in its editorial of 7 November 1999:

"The deliberate state (Greek Cypriot) policy saw the issue of the missing as a propaganda tool against Turkey — the higher the number the more effective the propaganda was the prevailing view. The black-clad mothers clasp pictures of their loved ones gave added dramatic effect to anti-occupation demonstrations. No one seemed to feel any pressure to try to resolve a single case, with officialdom and the politicians always blaming the uncooperative Turks for the lack of progress. But then it was our side which always used the issue for propaganda purposes, while at the same time maintaining that it was a humanitarian matter.

"The sad thing is that everyone — politicians, government bureaucrats, and the press — callously exploited the issue for their own reasons."

The Greek Cypriot strategy of holding Turkey responsible on the issue of missing persons demonstrates the insincerity of the Greek Cypriot side and is indicative of why the Committee on Missing Persons (CMP) has been rendered inactive for many years. The CMP was established in 1981 by the United Nations as a tripartite committee composed of a Turkish Cypriot, a Greek Cypriot and a third member appointed by the United Nations Secretary-General, to address this humanitarian problem. As such, it must be evident that Turkey is not a party to the issue of missing persons in Cyprus, but fully supports the work of the CMP as it equally desires the resolution of this humanitarian issue.

It should be stressed that the resumption of the activities of the CMP in August 2004 came about as a result of the constructive initiative of the Turkish Cypriot side. Furthermore, I would like to remind you that considerable progress has been achieved ever since the reactivation of the Committee. In this context, requests to provide information on the missing persons of both sides have been published in the Turkish Cypriot and the Greek Cypriot newspapers; the CMP itself set the objective of bringing to a closure, as soon as possible, the remaining investigative work on both sides on the basis of an agreed and comprehensive timetable; new burial sites have since been and continue to be identified; excavations have been conducted on both the Turkish Cypriot and the Greek Cypriot sides; an anthropological laboratory was established in the buffer zone for the analysis of the recovered remains; the recovered remains have also been put through a DNA identification process; the process of return of the remains of the Turkish Cypriot and the Greek Cypriot missing persons started in the second quarter of 2007 and to date 412 individuals have been exhumed from different burial sites located across the island.

While the Security Council welcomes, in its resolution 1818 (2008) of 13 June 2008, "the progress and continuation of the important activities of the Committee on Missing Persons; expressing the hope that this process will promote reconciliation between the communities", insistence by the Greek/Greek Cypriot duo that this issue cannot be merely settled within the scope of the CMP shows their insincerity and the fact that their aim in reality is to politicize this humanitarian issue.

One of the most fundamental issues in the Cyprus question is the property issue. The property issue in Cyprus did not come about in 1974 but first arose in 1963, when the Turkish Cypriots were forced to abandon their homes at gunpoint and took refuge in what came to be known as "Turkish Cypriot enclaves". It should be stressed that it is not only the Greek Cypriots who left immovable property in the North but also the Turkish Cypriots who had to abandon a considerable amount of property in the South as well, most of which was confiscated by the Greek Cypriot Administration, leaving no possibility for restitution and/or compensation for the Turkish Cypriots for the use and enjoyment of their properties. Instead of seeking to resolve the issue with the Turkish Cypriot side in accordance with established parameters, the Greek Cypriot side has over the years encouraged recourse to the European Court of Human Rights in a bid to carry the issue to the European platform. As in the case of *Apostolides v. Orams*, the Greek Cypriot side's unilateral accession to the European Union has presented it with the opportunity to further complicating the issue of property rights by encouraging recourse to courts in the South against those buying or selling property in the North. Given the fact that the Greek Cypriot side does not have jurisdiction over the Turkish Cypriot side, it is clear that judgements issued by the Greek Cypriot courts cannot be executed in the North.

In the absence of cooperation from the Greek Cypriot side, since June 2003 the Turkish Cypriot side has been taking unilateral steps aimed at providing domestic legal remedies to the concerned parties. In this connection, taking into account the admissibility decision of the European Court of Human Rights of 14 March 2005 and its judgement of 22 December 2005 on the merits of the *Xenides-Arestidis v. Turkey* application, the law entitled "Law for the Compensation, Exchange and Restitution of Immovable Properties (Law No. 67/2005)" was enacted in North Cyprus in December 2005. This law envisages compensation, exchange and restitution for movable and immovable properties located within the boundaries of

the Turkish Republic of Northern Cyprus which were possessed by the Greek Cypriots before 1974 and were abandoned thereafter. In accordance with this legislation, the Immovable Property Commission (IPC) was established on 22 March 2006, the mechanism of which is entirely based on the comprehensive guidelines suggested by the European Court of Human Rights. The Commission, which comprises seven members, two of whom are internationally renowned personalities of non-Turkish descent, has the status of a court and its decisions are binding and implemented just as the decisions of the judiciary.

It must be noted in this context that the reaction of the Greek Cypriot Administration to the establishment of the IPC has not been encouraging; it has threatened to take legal action against potential applicants. Sadly, the Greek Cypriot authorities are attempting to undermine an effective legal instrument which conforms fully to relevant international norms. Most recently, in the *Turkey Progress Report* dated 6 November 2007, the European Commission confirmed that the IPC established by the Turkish Cypriot side is a legitimate domestic remedy. Despite the efforts of the Greek Cypriot Administration to discourage its people from applying to the Commission, through such means as disclosing the names of the Greek Cypriot applicants in the press under a list entitled "shame list", the number of the Greek Cypriot applicants has already reached 342 so far and 38 of the cases have been concluded through friendly settlement on the basis of different remedies to date.

The often repeated allegations about the demographic structure in North Cyprus are totally unfounded and are part of the Greek Cypriot propaganda aimed at exploiting this issue for political purposes. It is true that a limited number of immigrant workers arrived from Turkey and also from other countries, as a necessary measure in the face of a labour shortage after 1974. In accordance with the relevant legislation in the TRNC, which is in fact identical to the legislation in South Cyprus and in accordance with established international principles on the matter, some of these people have been granted citizenship after five years of residence.

It hardly needs to be stressed that migration of labour and immigration in general are international phenomena affecting all countries, including North Cyprus. It is only natural that the TRNC, like any other country, should regulate the labour force in accordance with its own economic requirements. It is also important to note that the number of people who have resettled in the North since 1974 is very small compared to the thousands of Greek mainlanders who have been settled in Cyprus over the years since 1963 and the thousands of immigrants, mainly from the Middle East countries, who have come to Southern Cyprus since 1974. In fact, it is the Greek Cypriot side which has always attempted to alter the demographic character of Cyprus, not only by introducing thousands of soldiers and settlers from Greece but also by trying to "cleanse" Cyprus of its ethnic Turkish population.

It is ironic that while accusing the Turkish Cypriot side of changing the demographic structure of the North, at present, the Greek Cypriot Administration continues to admit to South Cyprus tens of thousands of immigrants from other countries, particularly from ex-Soviet republics. It has been reported in the Greek Cypriot press of 16 April 2008 that during a press conference held the previous day the Greek Cypriot Minister of the Interior Neocles Silikiotis had stated that more than 20 per cent of the population in the South were non-Cypriots. (More than

100,000 Greeks, 70,000 Pontus Greeks, 30,000 former Soviet bloc citizens, 15,000 Lebanese and 3,000 Kurds.) The Greek Cypriot daily newspaper *Phileleftheros* of 16 April 2008 reflected the existing situation through the following report: "Demographic Problem in [South] Cyprus — one out of every five residents is non-Cypriot".

Furthermore, on 30 April 2006, a population and housing census was held in the TRNC. In order to ensure the appropriateness of the census to international norms and definitions, it was held in accordance with the recommendations set out in the document entitled "Conference of European Statisticians Recommendations for the 2010 Census of Population and Housing". Prior to the census being conducted, the State Planning Organization of the TRNC briefed all the foreign missions in Cyprus, as well as the EU and the United Nations, about the methodology. Contrary to the distortions of the demographic structure of North Cyprus by the Greek Cypriot Administration concerning the origins of the TRNC citizens, census results clearly reveal that the vast majority of the TRNC citizens are of Turkish Cypriot origin.

As regards the well-known allegation of "destruction of cultural property", I would like to reiterate once again that the protection of cultural heritage is of great importance to the Turkish Cypriot people, and the Turkish Cypriot authorities are doing everything within their limited means for the restoration and preservation of the cultural wealth in the North. No doubt much more could be done with international financial support. It is a sad irony that the Turkish Cypriot people are heavily criticized for not taking sufficient care of the cultural heritage in the North, when international organizations or private bodies entrusted with financial assistance in this field have been prevented by the Greek Cypriot Administration from taking an interest in or providing assistance to the North. The protection of cultural heritage should not be held hostage by the political situation on the island, for which Turkish Cypriots cannot be held responsible. Furthermore, it should be recalled that there are many Turkish-Muslim cultural monuments, including mosques, baths, fountains and cemeteries, in the Greek Cypriot side that are in very bad condition owing to rough handling, negligence and wilful destruction.

It is a pleasing development that one of the technical committees established as part of the current negotiation process in Cyprus is on cultural heritage. As is known, the Turkish Cypriot side and the Greek Cypriot side have agreed to establish a mechanism for the protection and renovation of the cultural heritage on both sides of the island. The two sides are searching for modalities to address this issue, and bringing this mechanism to life as soon as possible surely would not only benefit Turkish Cypriots and Greek Cypriots on the island, but humanity as a whole.

I do not wish to dwell on the latest developments regarding the full-fledged negotiations ongoing under Your Excellency's good-offices mission, the aim of which is to reach a comprehensive settlement of the Cyprus issue on the basis of the United Nations-established parameters and body of work. However, I am obliged to express our disappointment regarding the Greek Cypriot leadership's attempt to alter the existing parameters and prejudge the outcome of a settlement by signing a memorandum and issuing a joint declaration with the United Kingdom and the Russian Federation, respectively. Unfortunately, provocative actions by the Greek Cypriot Administration which call into question their sincerity at the negotiation table continue. A case in point is the seismic research activities conducted due

south-west of the island by foreign companies on behalf of the Greek Cypriot Administration. It must be clear that the unilateral delimitation of maritime jurisdiction areas in the Eastern Mediterranean by the Greek Cypriot Administration is totally unacceptable to the Turkish side. It is an established rule that maritime delimitation in a semi-enclosed sea like the Eastern Mediterranean could only be effected by agreement, with the consent of all parties concerned and by respecting their mutual rights.

In conclusion I would like to reiterate that despite the intransigent stance of the Greek Cypriot side, the Turkish Cypriot side will continue to do its utmost to reach a comprehensive settlement on the Cyprus issue on the basis of the United Nations-established parameters and body of work.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(Signed) M. Kemal Gökçeri
Representative
Turkish Republic of Northern Cyprus

**Security Council**

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**Report of the Secretary-General on developments in
Guinea-Bissau and on the activities of the United Nations
Peacebuilding Support Office in that country****I. Introduction**

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999), by which the Council requested me to keep it regularly informed and to submit a report on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS). Subsequently, in paragraph 11 of its resolution 1580 (2004), the Council requested me to submit a written report to it every three months.

2. The present report covers developments since my last report (S/2008/628), dated 29 September 2008, with particular focus on the legislative elections held on 16 November 2008 and the security situation.

II. Political developments and elections

3. The period under review was marked by an increase in the tempo of preparations for the legislative elections held on 16 November 2008, and heightened military and security tensions. During the early hours of 23 November, unknown assailants attacked the official residence of the President, João Bernardo Vieira, with rocket-propelled grenades and gunfire. The residence sustained considerable damage, particularly the President's living quarters, indicating that the violence was aimed at assassinating him. While President Vieira and his family escaped unhurt, tensions mounted as fears for his security increased dramatically.

4. Within hours of the attack, my Representative consulted with the President, the Prime Minister, Carlos Correia, the Minister of the Interior, Cipriano Casamá, and the Minister of Defence, Marciano da Silva Barbeiro, as well as with other officials, on immediate measures to ensure the security of the President and to stabilize the situation in the country. He convened a meeting of the Ambassadors and representatives of international organizations accredited to Guinea-Bissau, which resulted in the issuance of a strongly worded press statement declaring the solidarity of the international community with President Vieira, and warning the armed forces against any further acts that would destabilize the country. Later in the day, five members of the military were arrested by the Chief of the General Staff on suspicion





of being implicated in the attack, while investigations into the attack continued. The swift diplomatic action taken by the international community contributed in large measure to calming the situation.

5. Preparations for the legislative elections were generally smooth. By the 16 September 2008 deadline for the registration of official candidates with the National Electoral Commission, 27 of a total of 34 registered political parties had submitted their lists to the Commission. On 4 October, the Supreme Court announced its approval of the candidates of 21 political parties and two political coalitions. The protracted period of deliberation by the Court was attributed to the fact that the names of many of the candidates were found to be on the official lists of more than one party, creating confusion over the affiliation of certain candidates. In addition, the identity documents of some candidates had expired. While a number of parties and candidates submitted corrections and amendments to the approved lists, the requirement to submit finalized voter ballots for printing on 6 October was respected.

6. The official political campaign period commenced on 25 October and ended on 14 November. During the first few days, campaign activities were low-key, the most notable campaign activity being that of the Republican Party for Independence and Development (PRID), a new party launched in September 2008 by the former Prime Minister, Aristides Gomes. PRID is backed mainly by former members of the breakaway wing of the African Party for the Independence of Guinea and Cape Verde (PAIGC). PRID had gained momentum after Mr. Gomes accompanied President Vieira on his two-week visit to China in mid-September this year.

7. PAIGC launched its political campaign on a platform of commitment to moving Guinea-Bissau forward through vital reform programmes, including security sector reform, with particular emphasis on the downsizing, restructuring and modernization of the armed forces. The PAIGC leader, former Prime Minister Carlos Gomes Jr., promised that, should his party prevail in the elections, he would resist attempts by self-serving interest groups to move Guinea-Bissau towards adopting a presidential system of Government, and would ensure that the provisions of the current Constitution, providing for a semi-presidential system, are respected. His comments were aimed at dispelling growing public perceptions that President Vieira and his allies were trying to increase presidential power and authority by means of an amendment to the Constitution should a government supportive of that proposal emerge from the legislative elections of 16 November. In addition, some statements by Mr. Gomes Jr. during the campaign were interpreted by the Chief of the General Staff, General Tagme Na Waie, as a veiled threat against the military. General Tagme warned of serious consequences were Mr. Gomes Jr. to carry out his threat to downsize the military in the event of a PAIGC victory.

8. The leader of the Social Renewal Party (FRS), former President Mohamed Yalá Embaló, returned to Guinea-Bissau from Morocco amid popular support at rallies in the east of the country, where he made his first campaign stop. PRS accused President Vieira of taking sides and favouring PRID.

9. Of the 21 registered parties and two coalitions, only nine parties actively participated in the campaign, while the others, primarily because of lack of funding, appeared to restrict their campaigns to the officially sanctioned media, that is, radio and television.

10. Electoral resource mobilization continued during the period, under the donor basket fund managed by the United Nations Development Programme (UNDP); Angola and Spain pledged US\$ 700,000 each. On 31 October, the Government of Japan donated approximately CFAF 460 million, specifically to enable the Government to pay the salary arrears of electoral staff. Additional amounts were pledged to the UNDP basket fund by the European Commission (€1.5 million) and Brazil (€100,000).

11. For its part, UNOGBIS, in partnership with the Faculty of Law, trained 36 representatives of 20 political parties on electoral law, in particular the role of election agents at the polling stations. This support also included training of trainers, radio programmes on the role of election agents and the publication of a guide for election agents.

12. The Gender Thematic Working Group supported efforts to strengthen the participation of women in the electoral process. UNOGBIS supported the drafting of a Women's Political Platform Declaration signed by women from the various political parties, with the participation and support of civil society organizations. The platform developed a policy statement identifying the major concerns and constraints affecting women in Guinea-Bissau. Training on negotiation and communication was provided to enhance women's skills in politics. Training was also conducted by female members of political parties and civil society, which focused on sensitizing and mobilizing women voters.

13. UNOGBIS also organized a three-day seminar for local journalists to provide them with technical information and skills on the coverage of the electoral process. The seminar was attended by 56 journalists, including 11 women. UNOGBIS set up a fund of about \$60,000, sponsored by France and the United Kingdom of Great Britain and Northern Ireland, to support media coverage of the elections in Guinea-Bissau. A portion of the funds covered transport and communication costs for journalists to decrease their dependence on political donors. UNOGBIS also produced a radio programme aimed at raising awareness on women's participation in elections. The programme was broadcasted by 10 national and community radio stations, with the support of UNDP.

14. The voting took place in a calm and orderly manner in almost all 2,705 polling stations, and there was a high turnout of voters. UNOGBIS coordinated the activities of international observers, involving 85 representatives from the African Union, the Economic Community of West African States (ECOWAS), the West African Economic Monetary Union (UEMOA) and the International Organization of la Francophonie (IOF). Observers reported that voter turnout was around 72 per cent. They applauded the fairly equal participation of male and female voters and the conduct of electoral officials at polling stations. The voting and counting processes were also considered transparent and followed the established guidelines in 92 per cent of the observed procedures. In addition to the observers coordinated by UNOGBIS, the European Union Election Observation Mission included 51 observers and the Community of Portuguese-speaking Countries deployed 16 observers.

15. On 17 November, immediately after the elections, my Representative held a joint press conference with the heads of the observer delegations of ECOWAS, the Community of Portuguese-speaking Countries, UEMOA and IOF to present the preliminary results of the observation. This measure contributed significantly

towards ensuring continued calm and stability in the understandably tense post-electoral environment. In the week following the elections, my Representative also met with the leaders of all the main political parties to gain their assurances that they would continue to adhere to legal provisions regarding registration of complaints against the polls and the final voting tabulation process. All political leaders pledged to maintain peace and stability, and to abide by the official election results to be announced by the National Electoral Commission.

16. National political and technical actors, including the National Electoral Commission, played a crucial role in mobilizing adequate financial, material and human resources to ensure a successful election. On 26 November, the provisional results of the legislative elections of 16 November were announced by the Electoral Commission. The African Party for the Independence of Guinea and Cape Verde gained the most overall support, securing 227,036 votes and 67 of the 100 seats in the National Assembly. The Social Renewal Party won 115,409 votes and, while representing almost half of the votes gained by PAIGC, obtained 28 seats in the Assembly. The Republican Party for Independence and Development won 34,305 votes and 3 seats. The New Democracy Party won 10,721 votes, equating to 1 seat in the Assembly, and the Democratic Alliance also won 1 seat, with 6,321 votes. The Electoral Commission noted that only 10 women were elected as compared with 12 women elected in 2004. According to the Commission, in total 82 per cent of the registered voters exercised their democratic right to vote.

III. Military developments and security aspects

17. In September and October 2008, a number of security incidents were reported, linked to foreign residents allegedly involved in organized crime. One of the incidents led to the death of a Nigerian citizen, who was assassinated in one of Bissau's most popular commercial centres. The incidence of general petty theft and crime also registered a slight increase during the period, although the overall rate of crime, especially targeting foreigners, remained minimal.

18. During the weekend of 17 to 19 October, a reshuffle in the presidential security team and a simultaneous change in the security guards assigned to the Chief of the Defence Staff occurred in the wake of speculation about alleged interference in military matters inside the country by the former Navy Chief of Staff, Rear Admiral José Américo Bubo Na Tchuto, who fled to the Gambia after being accused of leading a failed coup d'état in August. By 20 October, the situation was brought under control by General Tagme.

19. On 27 October, the National Mine Action Coordination Centre of Guinea-Bissau hosted the launching of the report of the Landmine Impact Survey by the non-governmental organization Landmine Action. The preparation of the report was sponsored by the United Kingdom, the United States of America and UNDP. It provides the basis for the elaboration of the strategic anti-mine action plan for 2009-2011 for Guinea-Bissau. According to the study, 80 of the 264 communities visited are mined, 11 of them being considered of high priority (around 14 per cent), 13 of medium priority, and 56 of low priority (around 70 per cent). The total area affected is about 2,236,560 square metres. On 7 October, a pilot programme was launched in collaboration with a local wireless service provider, MTN Corporation, providing a

toll-free service called "green line" for use by the public to report the presence of explosive materials in the country.

IV. Security sector reform

20. On 1 September 2008, my Representative received a letter from the Minister of Defence requesting a strengthening of technical support and backstopping from the United Nations on security sector reform. In response, I deployed an inter-agency assessment mission comprising representatives of the Departments of Political Affairs and Peacekeeping Operations, the Counter-Terrorism Committee Executive Directorate, UNDP, the United Nations Office on Drugs and Crime, the United Nations Children's Fund (UNICEF), the International Development Law Organization and INTERPOL to Guinea-Bissau from 13 to 24 October, to assess the current context of security sector reform in that country, and to assist my Representative in formulating an appropriate response to the Government's request. The mission, with the support of UNOGBIS, held a series of consultations with key national and international actors in security sector reform. The report of the mission includes comprehensive recommendations for my consideration.

21. The mission noted that the security sector reform process, while rooted in a participatory process between national counterparts and international partners, lacked clear strategic vision in the medium to long term. This raised questions about long-term sustainability and ownership of the reform processes beyond the leadership and policy level of the concerned Ministries of Defence, the Interior and Justice. The mission was concerned by the lack of sensitization and involvement of civil society, the media and other key stakeholders. The mission noted that weak government capacity and the lack of institutional infrastructure and planning resources constituted key constraints in the process. The need to review and formulate existing and new legislation, including constitutional frameworks, was also underlined. Finally, the strengthening of coordination at the national and international levels was recommended. The mission noted the high-level commitment of the caretaker Government of Carlos Correia to security sector reform and commended its engagement. The recommendations of the mission, in terms of strengthening the capacity of the United Nations system in Guinea-Bissau, will be included in my next report to the Security Council, which will address the strengthening of the United Nations presence in that country.

22. The joint project of the Government of Guinea-Bissau, ECOWAS, Brazil, the United Nations Office for Project Services (UNOPS) and UNOGBIS, involving the provision of vocational training and basic capacity-building in Brazil for 30 demobilized senior personnel of the armed forces, is expected to start before the end of the year. The project document has been signed and an implementation timeline has been put in place. The development of a database on the necessary information and profiles for the disarmament, demobilization and reintegration component of the project is also progressing, as is the design of the vocational training programmes to be conducted in Brazil by the University of Viçosa.

V. Drug trafficking and organized crime

23. On 28 September 2008, the judicial police seized three kilograms of cocaine during two operations at the international airport in Bissau. The drugs were reportedly destined for Portugal. In the immediate aftermath of the seizures, the judicial police took measures against one judicial police officer and three immigration police officers posted at the airport suspected of facilitating the transit of cocaine couriers. The incident represents a considerable improvement in terms of the interception capacity of national law enforcement agents.

24. In October 2008, the Minister of Justice and the Executive Director of the United Nations Office on Drugs and Crime signed a project document as part of the implementation of the Guinea-Bissau anti-narcotics operational plan. The project aims at strengthening the capacity of the justice sector in fighting drug trafficking through the creation of a specialized pool of prosecutors and judges. Reconnaissance missions aimed at working out a plan to address infrastructural shortcomings were carried out in November 2008 by the United Nations Office on Drugs and Crime and external partners. The Minister of Justice and the United Nations Office on Drugs and Crime agreed on the assignment of an additional international staff member of the Office to the Minister's cabinet to guide the national response and facilitate coordination in the areas of technical cooperation, international criminal judicial cooperation and prison reform. This measure will strengthen the overall capacity of the Ministry of Justice in planning and implementing the justice-related components of the security sector reform programme.

25. On 28 and 29 October, the Ministerial Conference on Drug Trafficking as a Security Threat to West Africa was organized at Praia by ECOWAS, with the support of the United Nations Office on Drugs and Crime, the United Nations Office for West Africa and UNOGBIS, and with the facilitation of the Government of Cape Verde. The Conference brought together experts and policymakers, as well as regional, international and United Nations offices and organizations, to help design a regional action plan and prepare a draft political declaration. The two documents will be submitted to the Heads of State and Government of ECOWAS, for official adoption and endorsement, during their ordinary session, to be held at Abuja in December 2008. The draft regional action plan presents a comprehensive set of actions and mechanisms to combat drug trafficking in the West African subregion.

26. On 13 November 2008, my Representative and Prime Minister Correia discussed ongoing efforts to combat drug trafficking in Guinea-Bissau. The Prime Minister expressed his conviction that the anti-narcotics effort should not only take account of Guinea-Bissau as a transit point but should also focus on tackling the point of origin and the destination of drug-trafficking activities. He supported the view that tougher measures, including targeted sanctions against proven drug traffickers, drug-trafficking syndicates and their accomplices, would be a significant step forward.

VI. Activities of the Peacebuilding Commission and the Peacebuilding Fund

27. On 1 October 2008, the Guinea-Bissau configuration of the Peacebuilding Commission adopted the strategic framework for peacebuilding in Guinea-Bissau. Consultations have started with the National Peacebuilding Steering Committee to finalize a monitoring and tracking mechanism (matrix) setting out the implementation stages, including a calendar of action plans, objectives, indicators and measurements, as well as expected outputs or results covering the period from 2008 to 2011. Once the configuration agrees on the matrix, the National Steering Committee will endorse the document, which will be formally approved by the configuration and included in the strategic framework.

28. Implementation of the four quick-impact projects funded by the Peacebuilding Fund is progressing, as the partnership between the respective United Nations agencies and their national implementing partners continues to develop. Following the successful completion of voter registration under the joint project of UNDP and the Ministry of the Interior for electoral support, a voter civic education campaign was conducted from 10 to 15 November 2008.

29. The joint project of UNDP and the Ministry of Youth for youth employment has been formulated and approved by the Government. The recruitment of project staff, including national and international experts on youth and employment, is in the final stages. The implementation phase of the project will begin before the end of the year.

30. The implementation of the joint project of the United Nations Office on Drugs and Crime and the Ministry of Justice for the rehabilitation of prisons has made significant progress. Two Brazilian experts were recruited to conduct the technical assessment of the prisons in Bissau, Bafata and Mansoa, from 8 to 17 November 2008. This will lead to final plans for the physical refurbishment of the four prisons, the setting-up of information technology infrastructure and a training programme. A set of computers, printers and related information technology equipment has been ordered, in addition to generators to provide power to the facilities. Physical rehabilitation work on site will start early in December 2008, with the support and cooperation of the Red Cross.

31. The implementation of the joint UNOPS/Ministry of Defence project for the rehabilitation of military barracks has advanced rapidly with the recruitment of two national engineers and an international architect, who carried out a technical evaluation and survey of the six targeted military barracks. UNOPS national engineers are working in collaboration with the Ministry of Defence and other technical officers to finalize and publish guidelines for a public contracts bidding process for the participation of national building and renovation companies. Once the public bidding process is completed and contracts are awarded, the rehabilitation work will begin in January 2009. Within the framework of the implementation of the project, UNOPS established, in September, a presence within the United Nations system in Guinea-Bissau and has set up an operational unit in the country, staffed with a liaison officer, two national engineers and an international architect.

VII. Economic and social aspects

32. The public finance situation of Guinea-Bissau remains very weak. The Government negotiated a commercial loan of CFAF 2.2 billion that enabled it to pay wages for July, but it has not been able to pay civil servants' salaries for the past three months, and has also failed to meet other national expenditures. In this context, civil servants went on strike several times early in October 2008. The situation was resolved through a compromise agreement whereby the Government agreed to pay one-month's salary to civil servants and 25 per cent of the amount claimed by temporary employees in the health and education sectors (CFAF 160 million). To date, however, the Government has not been able to act on its commitments.

33. Strike action by teachers and health workers has also resulted in lost school days for children and the non-availability of health services, and a durable solution has still not been found. Owing to the teachers' strikes, the World Food Programme's school canteen programme has benefited only 4,335 children of the 133,160 who were targeted.

34. Owing to the extremely tight fiscal situation, the Government was forced to reschedule its commercial debt servicing, including treasury bonds issued in 2006 amounting to CFAF 6.7 billion due in September 2008 which had already been renegotiated a number of times. The tax cuts decided by the Government to compensate for the effects of soaring energy and food prices have contributed to the fiscal crunch by reducing total State revenue by 10 per cent, according to an estimate from the International Monetary Fund (IMF).

35. On 20 October 2008, IMF began the second review of the emergency post-conflict assistance programme, continuing negotiations with the Government on the possibility of a three-year programme under the Poverty Reduction and Growth Facility. Such a programme would substantially improve Guinea-Bissau's capacity to reach the completion point under the Heavily Indebted Poor Countries (HIPC) initiative and for debt relief under the Multilateral Debt Relief Initiative. Since July 2008, Guinea-Bissau has also benefited from an extension of its interim debt relief extended by the African Development Bank under the HIPC initiative. This decision involves about US\$ 17.5 million and will allow the country to ensure the payment of its debt with the African Development Bank.

36. As at 6 November 2008, the cholera epidemic which started in May 2008 had affected a total of 13,652 persons, with 220 deaths registered. The United Nations system in Guinea-Bissau has been responding quickly to the epidemic, working together with the Ministry of Health, the Red Cross Movement and non-governmental organizations, with major support and technical guidance from the World Health Organization and UNICEF. Funds from United Nations agencies, partners and non-governmental organizations have been mobilized, including a US\$ 601,911 grant from the Central Emergency Response Fund. This joint effort effectively reduced the case-fatality rate from 4 per cent to 1.6 per cent, and reduced the number of cases from an average of 140 per day to an average of 50 per day. This result was achieved through a well-coordinated response by treatment centres and mobile teams. In the period leading up to the legislative elections, the risk of a spread of the disease increased significantly. In response, on 10 November, the United Nations country team presented a new appeal to the Central Emergency

Response Fund to support initiatives aimed at containing the epidemic over the following three months.

37. The food security situation in Guinea-Bissau has deteriorated further since my last report, mainly because of the additional increase in the price of rice, a staple food in the country. In September and October 2008, the price of local rice increased by 23 per cent (from CFAF 550 per 1-kg bag to CFAF 675), while the price of imported rice increased by 33 per cent (from CFAF 450 per 1-kg bag to CFAF 600). On the other hand, the cashew nut campaign reached a record level in 2008, with the export of 106,456 tons compared to 96,117 tons in 2007. The price set by producers increased from CFAF 200 per 1-kg bag in 2007 to CFAF 380. Some rural communities seem to have fared better this year, as a result of better barter mechanisms for cashew nuts and rice. The Food and Agriculture Organization of the United Nations has responded by providing additional agricultural supplies, such as seeds, fertilizers and equipment, and with crop diversification and intensification programmes.

38. UNDP has launched an innovative "Youth Initiative" which harnesses the creative energy of the youth in Guinea-Bissau for peacebuilding. Through this pilot programme, 10 youth groups are receiving training in advocacy, strategic planning and conflict resolution, as well as financial support to implement short-term peace initiatives of their own. The Youth Initiative is building positive relationships between youth groups and the military that could be sustained beyond the pilot phase.

VIII. Human rights aspects

39. The Council of Ministers, in its session of 6 November 2008, approved the law establishing the National Commission for Human Rights, a governmental body entrusted with the protection and promotion of human rights in Guinea-Bissau. This mechanism will be responsible for vigilance, early warning, monitoring and investigation of human rights issues. The Commission will have 30 members drawn from different public and private entities, headed by a president, and will have as observers the representatives of the Ministries of Justice and the Interior, the Prosecutor General's Office, civil society, religious bodies, political parties, the Institute for Women and Children, the media and trade unions. The National Commission for Human Rights has a four-year mandate.

40. UNOGBIS, in collaboration with the United Nations Population Fund (UNFPA), UNICEF and UNDP, as well as its partners from the Forum for the Humanitarian Situation in Prisons, visited detention centres in Bissau on 7 October 2008. The objectives of the visits were to raise awareness on the fundamental rights of detainees and support national authorities in ensuring and guaranteeing respect for the dignity inherent in human beings even if deprived of freedom. During the visits, several human rights violations were verified, namely the existence of detention centres with inadequate facilities and lacking minimum living standards. Lack of water and food in the detention centres of the Segunda Esquadra police station, detention of women and men jointly in the same cells without respecting the specific needs of either the women or the men, detention of children jointly with adults, lack of medical assistance and lack of rehabilitation programmes and social assistance to the detainees were also observed.

41. Following the visita, several recommendations were made, including the creation and promotion of weekly medical assistance for detainees in all prison facilities in the country to address the high number of cases of disease and death in prisons. Other recommendations included the establishment of additional centres and specific security measures for children and adolescents, as well as special detention facilities for women; the adoption of mechanisms for the provision of water and food in the prison centres of the judicial police and the Segunda Esquadra police station; and the closure of the underground detention cells of the Primeira and Segunda Esquadra police stations in Bissau.

42. A three-year UNDP project on strengthening the rule of law at a cost of US\$ 8,260,000 was approved on 15 October and includes contributions from the Spanish Millennium Development Goal Achievement Fund.

IX. Implementation of resolutions 1325 (2000) and 1820 (2008)

43. In line with actions to support the implementation of Security Council resolution 1325 (2000), a project developed by UNDP, UNFPA, the United Nations Development Fund for Women, the United Nations Office on Drugs and Crime and UNOGBIS in the area of justice and security sector reform succeeded in qualifying for a grant from the Millennium Development Goal Achievement Fund. The objective of the project is to strengthen the judicial system, including access to justice, public security, law enforcement and civilian management, oversight of security institutions through a strategy which entails participatory and deliberative processes, and gender and conflict-sensitive approaches. The proposal will contribute directly to redressing the lack of gender perspectives within the current security sector reform programme.

44. A workshop scheduled for 3 to 5 December 2008 on gender and security sector reform aims at strengthening the capacity of women's committees within the security and defence forces to develop action plans and advocacy efforts in line with ongoing and planned activities within the security sector reform strategy.

45. The first draft of the initial report under the Convention on the Elimination of All Forms of Discrimination against Women was finalized with support from the United Nations gender thematic group in October 2008.

46. UNDP is finalizing a study to collect updated information on gender-based violence and harmful traditional practices in society, and on women's access to social services. The study will include information on different age and social groups, as well as recommendations to address these issues through partnerships with the Government and civil society.

X. Staff security

47. Despite the massive socio-economic problems faced by the population and the potential for increased security-related incidents in the run-up to and during the legislative elections, no significant threats to the security of United Nations staff were reported during the period under review. The crime rate continues to be relatively low, although incidents of petty crime continue to be reported. Three incidents involving United Nations staff members were reported, including one

house and two vehicle break-ins. Nevertheless, United Nations personnel can move freely within the country, in accordance with the security phase and procedures in place.

XI. United Nations Integrated Peacebuilding Office in Guinea-Bissau

48. With reference to the Council's request, contained in its presidential statement of 19 October 2007 (S/PRST/2007/38), that I submit recommendations on the reconfiguration of the United Nations presence in Guinea-Bissau, I wish to inform the Council that, following the Policy Committee's decision on integration in June 2008, a Headquarters-based integration task force on Guinea-Bissau was established in October 2008 to initiate discussions on an integrated United Nations presence in that country. Now that the legislative elections have successfully been held, a technical assessment mission will be conducted early in 2009 for consultation with national authorities, regional and international partners and members of the United Nations system operating in Bissau, with a view to proposing options for an integrated United Nations presence in Guinea-Bissau. Following the conclusions of those consultations, I intend to submit my recommendations to the Council on the setting up of an integrated United Nations mission in Guinea-Bissau.

XII. Observations and recommendations

49. I acknowledge the commitment and dedication shown by the Government and people of Guinea-Bissau in the holding of peaceful and orderly legislative elections on 16 November 2008, and in respecting the results of the elections. It is my sincere desire to see the new Government usher in a new era of democracy, stability and prosperity for all the people of Guinea-Bissau. I commend the international partners, who supported the electoral process, including by providing vital funding and technical assistance.

50. I also thank the Government of Guinea-Bissau for its cooperation with the United Nations security sector reform inter-agency assessment mission, which visited Guinea-Bissau in October 2008, and its continued commitment to implementing a reform agenda. I would recommend that the Security Council continue to support the implementation of the security sector reform programme, with the objective of reaffirming the centrality of security and justice sector reform to the consolidation of peace and stability in Guinea-Bissau.

51. On its part, ECOWAS must be commended for the successful holding, in Cape Verde, of the Ministerial Conference on Drug Trafficking as a Security Threat to West Africa. The resulting regional action plan is an important step in combating the scourge of drug trafficking and organized crime in West Africa, and I appeal to ECOWAS member States, as well as members of the Security Council and the international community as a whole, to monitor and support the timely implementation of the action plan.

52. Given the high levels of poverty and unemployment in the region, especially among young people, the impact and manipulative power of drug trafficking and organized crime cartels are highly detrimental to the consolidation of the rule of

law, peace and stability in the region. In the case of Guinea-Bissau specifically, drug trafficking has resulted in deepening corruption and further weakening of national institutions. As requested by the Council in its presidential statement of 15 October 2008 (S/PRST/2008/37), I will continue consultations with the Government and other stakeholders on further measures to address the drug-trafficking challenges in Guinea-Bissau. In the meantime, I call on the international community to enhance its support and assistance to the Government of Guinea-Bissau, to reinforce the national capacity to combat drug trafficking.

53. I welcome the formal adoption by the Peacebuilding Commission of the strategic framework for Guinea-Bissau, and urge the Commission to increase its engagement with the country. It is encouraging that the implementation of the four quick-impact projects financed by the Peacebuilding Fund is proceeding well. I call on the authorities in Guinea-Bissau to accelerate their engagement with the Commission, through the National Steering Committee.

54. In the area of economic and social development, the role and contribution of the United Nations system has been significant, especially in supporting the Government and the people of Guinea-Bissau in fighting the cholera epidemic. Overall social and economic indicators for the country still remain disturbingly low. I acknowledge in particular the role and contribution of the World Bank, the International Monetary Fund, the African Development Bank and the European Commission in supporting Guinea-Bissau in its efforts to overcome complex economic and social challenges. I recommend that the new Government undertake crucial public sector and fiscal reforms in order to lead the country out of the perennial vortex of financial malaise and social and political crises. This will take determination, hard work and political will, but it is an achievable goal.

55. On 21 November, the Government of Guinea-Bissau requested the extension of the mandate of UNOGBIS for another year, to enable the Office to continue assisting national efforts to stabilize the country. I would therefore like to recommend that the mandate of UNOGBIS be extended for an additional year, until 31 December 2009. This would allow the Office to continue providing crucial peace consolidation support to the Government and people of the country, including in the areas of the rule of law and human rights, security sector reform, drug trafficking and organized crime, and national reconciliation. Following the deployment of a technical assessment mission on integration to Guinea-Bissau in the first quarter of 2009, I will submit recommendations on transforming UNOGBIS into an integrated office.

56. In conclusion, I would like to commend the staff of UNOGBIS, under the leadership of my Representative, Shola Omoregie, as well as all the staff of the United Nations country team, for the important work they continue to carry out in Guinea-Bissau, under challenging and sometimes dangerous circumstances.